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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.383]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

MISCELLANEOUS AMENDMENTS

Effective as of the beginning of the first pay period following November 1, 1958, the following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

Section 325.9 is deleted in its entirety and the following is substituted in lieu thereof:

§ 325.9 Reports to be submitted by agencies. In determining differential classifications, the Department of State will use as its chief source of information completed Forms DSP-36, Foreign Post Differential Questionnaire, and will prescribe differential classifications in § 325.11. The determinations will be based on the existence of extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions affecting the majority of personnel at the post or in the area. Living costs are not included in the bases for differentials. Forms DSP-36 and other reports shall be submitted by agencies to the Allowances Division, Department of State, in such manner and on such dates as specified by the Secretary of State.

Section 325.11 Designation of differential posts is amended as follows:

1. Paragraph (b) is amended by the deletion of the following:

Beirut, Lebanon.
Tall Amara, Lebanon.
Terbol, Lebanon.

2. Paragraph (c) is amended by the deletion of the following:

Ben Guerir, Morocco.
Boulhaut (Fedala), Morocco.
Haifa, Israel.

Jerusalem, Jerusalem.
Port Said, United Arab Republic.
Tehran, Iran.
Tel Aviv, Israel.
Sidi Slimane, Morocco.

3. Paragraph (d) is amended by the deletion of the following:

Alexandria, United Arab Republic.
Cairo, United Arab Republic.
Casablanca, Morocco.
Nouasseur, Morocco.
Port Lyautey, Morocco.
Rabat (including AF Site 11), Morocco.

4. Paragraph (d) is amended by the addition of the following:

Ben Guerir, Morocco.
Boulhaut (Fedala), Morocco.
Haifa, Israel.
Jerusalem, Jerusalem.
Port Said, United Arab Republic.
Sidi Slimane, Morocco.
Tehran, Iran.
Tel Aviv, Israel.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

OCTOBER 22, 1958.

[F. R. Doc. 58-9570; Filed, Nov. 18, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—TOBACCO LOAN PROGRAM

SCHEDULE OF ADVANCE RATES

Set forth below is schedule of advance rates, by grades, for the 1958 crop of types 42-44, cigar filler tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 26, 1958 (23 F. R. 5645).

(Continued on p. 8971)

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146-149,
1958 Supplement 1 (\$1.00)

Order from Superintendent of Documents,
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§ 464.1022 1958 Crop; Ohio Filler Tobacco, Types 42-44, Advance Schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate
Fillers (farm wrappers):	
C1MB	27
C1M	27
C2M	25
C3M	24
C4M	23
Crop-run (stripped together):	
X1	27
X2	25
X3	24
X4	21
X5	19
Farm Fillers:	
Y1	19
Y2	17
Y3	15

¹The Cooperative Association through which price support is made available is authorized to deduct from the amount paid

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, secs. 125, 211, 70 Stat. 198, 202; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1813, 1860)

Issued this 13th day of November 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-9589; Filed, Nov. 18, 1958; 8:55 a. m.]

[1958 C. C. C. Grain Sorghums Distress Loan Program Bulletin 1]

PART 473—SPECIAL PRICE SUPPORT PROGRAM

JUPART—1958-CROP GRAIN SORGHUMS DISTRESS LOAN PROGRAM

A price support program has been announced for the 1958 crop of grain sorghums and the applicable regulations (23 F. R. 4401, 4722, 6173, 7062, 7567, and 8261) have been issued by the Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1958 Crop Grain Sorghums Distress Loan Program through which, as an adjunct to the price support program, recourse loans on grain sorghums are made available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to in this bulletin as CCC and CSS, respectively). This program is designed to assist producers in holding their grain sorghums until they can qualify for nonrecourse loans under the price support program.

Sec.	
473.501	Administration.
473.502	Availability of loans.
473.503	Disbursement of loans.
473.504	Eligible producer.
473.505	Eligible grain sorghums.
473.506	Storage.
473.507	Determination of quantity.
473.508	Determination of quality.
473.509	Liens.
473.510	Service charges.
473.511	Set-offs.
473.512	Interest rate.
473.513	Release of grain sorghums; transfer of producer's interest.
473.514	Safeguarding of the grain sorghums.
473.515	Insurance.
473.516	Losses in quantity or quality.
473.517	Personal liability.
473.518	Loan rates.
473.519	Maturity.
473.520	Settlement.
473.521	Foreclosure.

AUTHORITY: §§ 473.501 to 473.521 Issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421, 1442.

§ 473.501 **Administration.** The program to which this subpart applies will

the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all such documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 473.502 **Availability of loans—(a) Approved forms.** Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.

(b) **Area.** Distress loans are authorized on grain sorghums (1) stored on the ground, or (2) stored in temporary facilities in areas in any State where the State committee determines that conditions are such that the grain sorghums can be so stored temporarily. In areas where it is not feasible to store grain sorghums on the ground the State committee may authorize distress loans on grain sorghums stored in temporary facilities only.

(c) **Where to apply.** Application for a distress loan should be made at the office of the county committee which keeps the farm program records for the farm.

(d) **When to apply.** Loans will be available from the date the program is announced for the area by the State committee. The final date of availability of loans shall be 30 calendar days after the date the program is announced for the area, or 30 calendar days after the producer completed harvest of the grain sorghums tendered for loan, whichever is later, and the applicable loan documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability of loans. The applicable loan documents are the Producer's Note and Supplemental Loan Agreement, the Supplemental Loan Agreement—Distress Loans, and the Commodity Chattel Mortgage. It shall be the responsibility of the producer to ascertain from the county office whether the program has been announced for the area and the date that the program was announced.

§ 473.503 **Disbursement of loans.** Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans unless authorized by the Executive Vice President, CCC. The drawing of a sight draft shall constitute disbursement. Disbursement of the loan proceeds shall not be made unless the grain sorghums are in existence and in good condition. If the grain sorghums are not in existence and in good condition at the time

of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 473.504 Eligible producer. An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing grain sorghums in 1958 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible grain sorghums harvested by them and stored commingled. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine he is not eligible for a distress loan. Executors, administrators, trustees or receivers who represent an eligible producer or his estate may qualify for a loan: *Provided*, That the loan documents executed by them are legally valid.

§ 473.505 Eligible grain sorghums. The conditions of eligibility for grain sorghums shall be the same as under the 1958-crop grain sorghums price support program (§ 421.3228 of this chapter), except that there shall be no requirement for storing grain sorghums for a specified period prior to inspection.

§ 473.506 Storage. (a) Temporary storage facilities shall be facilities which in the opinion of the county committee, are suitable for the temporary storage of grain sorghums.

(b) Grain sorghums piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.

§ 473.507 Determination of quantity. (a) The quantity of grain sorghums placed under loan will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.

(b) The quantity of any grain sorghums delivered to CCC shall be determined by weight. In determining the quantity by weight, a unit of 100 pounds shall be 100 pounds grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

§ 473.508 Determination of quality. The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for grain sorghums whether or not such determinations are made on the basis of an official inspection.

§ 473.509 Liens. If there are any liens or encumbrances on the grain sorghums, waivers that will fully protect

the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds.

§ 473.510 Service charges. The producer shall pay a service charge of 2 cents per 100 pounds for each hundredweight of grain sorghums placed under a distress loan, or \$3.00 whichever is greater. Such service charge shall be collected from the proceeds of the loan at the time the loan is disbursed. State committees, however, are authorized to require prepayment of \$3.00 of the service charge at the time a producer applies for a loan. If, on or before the maturity date of the note, the producer obtains a nonrecourse price support loan on the grain sorghums under the 1958 grain sorghums price support program, he shall pay an additional service charge of 2 cents per 100 pounds if placed under farm-storage loan, and 1 cent per 100 pounds if placed under warehouse-storage loan, for each hundredweight by which the quantity of grain sorghums placed under the regular loan exceeds the quantity placed under the distress loan. No refunds of service charges will be made.

§ 473.511 Set-offs. Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of § 421.3010 of this chapter as amended.

§ 473.512 Interest rate. Loans shall bear interest at the rate of $3\frac{1}{2}$ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 473.513 Release of grain sorghums; transfer of producer's interest. A producer may at any time obtain release of the grain sorghums under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a distress loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the grain sorghums from the premises when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.

§ 473.514 Safeguarding of the grain sorghums. The producer obtaining a distress loan shall take whatever action is practicable to keep the grain sorghums in good condition, and in the event of damage to the commodity, he shall immediately notify the county office in writing of such damage.

§ 473.515 Insurance. CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.

§ 473.516 Losses in quantity or quality. CCC will not assume losses in the quantity or quality of the grain sorghums occurring for any reason.

§ 473.517 Personal liability. The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable not only for the amount of the loan (including interest) but also for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC grain sorghums containing mercurial compounds or other substances poisonous to man or animals which are inadvertently accepted by CCC.

§ 473.518 Loan rates. Loans will be made under this program at 80 percent of the basic county support rate established for the grain sorghums under the 1958-crop grain sorghums price support program.

§ 473.519 Maturity. Loans will mature 90 days from the date of the note, or March 31, 1959, whichever is earlier, or earlier on demand.

§ 473.520 Settlement—(a) Producer who obtains a price support loan. If on or before maturity, the producer places the grain sorghums in approved farm-storage or in an approved warehouse, he may obtain a price support loan at the full support rate. The price support loan will be made at the full support rate on the basis of the quantity and quality of eligible grain sorghums which have been placed in an approved storage structure. When the price support loan is made, the principal of the distress grain sorghums loan, plus interest at the rate specified in § 473.512 from the date of disbursement of the distress loan to the date of disbursement of the price support loan, shall be repaid to CCC either in cash or out of the proceeds of the price support loan.

(b) *Producer who does not obtain a price support loan.* The producer shall, upon maturity, repay his distress loan in cash or deliver the grain sorghums to CCC as set forth in paragraphs (c) and (d) respectively of this section unless: (1) He places the grain sorghums in approved farm storage or approved warehouse storage on or before maturity; (2) the grain sorghums are eligible for a price support loan under § 421.3226 to

421.3236 of this chapter; and (3) the producer obtains a price support loan under the provisions of such sections.

(c) *Repayment of distress loan.* Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate specified in § 473.512.

(d) *Delivery to CCC.* If the producer desires to deliver the grain sorghums he should, prior to maturity, give the county office notice in writing of his intention to do so. Delivery of the grain sorghums to CCC shall be made in accordance with instructions issued by the county office. When the grain sorghums are delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of grain sorghums actually delivered, at the market price at the time and place of delivery as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest and charges, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC county office subject to set-off in accordance with § 473.511. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC. Any payment which would be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(e) *Payments and collections; amounts not exceeding \$3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of \$3.00 or less will be paid only upon his request and a deficiency of \$3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 473.521 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note is authorized to remove the grain sorghums from storage; and also to sell, assign, transfer, and deliver the grain sorghums or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale, either by separate contract or after pooling it with other lots of grain sorghums similarly held. Any such disposition may similarly be effected without removing the grain sorghums from storage. The grain sorghums may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the grain sorghums. If the grain sorghums are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled grain sorghums as a reserve supply to be

marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of grain sorghums even though part or all of such pooled grain sorghums are disposed of under such policies at prices less than the current domestic price for such grain sorghums. Any sum due the producer from the sale of the grain sorghums or from an insurance indemnity paid on the grain sorghums, or any ratable share resulting from the liquidation of a pool, after deducting the amount of the note, interest, and charges, shall be payable only to the producer without right of assignment by him. If the grain sorghums removed by CCC from storage are sold at less than the amount due on the loan including interest and charges, the producer shall pay to CCC the difference between the amount due on the loan and the sales proceeds of the grain sorghums. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC, or any other agency of the United States. The term "charges," as used in this section, means all fees, costs and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing of the grain sorghums, and otherwise protecting the interest in the mortgaged grain sorghums of any holder of the note or the producer, including foreclosure costs.

Issued this 13th day of November 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-9590; Filed, Nov. 18, 1958;
8:55 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

TERMINATION OF ELIGIBILITY OF ZAHIDI DATES FOR DIVERSION PAYMENTS

This amendment terminates the eligibility of Zahidi dates for diversion payments under subject program (23 F. R. 7939).

Sections 518.583 (b) (3) and 518.592 (c) (1) are amended by deleting the words "or Zahidi".

Issued this 14th day of November 1958, to become effective at 12:01 a. m., p. s. t., November 19, 1958.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

[SEAL] FLOYD F. HEDLUND,
Representative of the
Secretary of Agriculture.

[F. R. Doc. 58-9593; Filed, Nov. 18, 1958;
8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 814.19, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.19 (23 F. R. 136, 2853, 5708), which established allotments of the direct-consumption portion of the 1958 mainland quota for Puerto Rico.

The purpose of this amendment of S. R. 814 is to revise allotments to: (1) Give effect to Amendment 8 of Sugar Regulation 811 (23 F. R. 8019), which establishes the direct-consumption portion of the 1958 mainland quota for Puerto Rico of 136,113 short tons, raw value, a quantity greater than the 133,064 tons previously allotted, and (2) prorate the deficits in the allotments of four allottees.

Each of four allottees indicated in writing to the Department of Agriculture the maximum quantity of sugar which they could deliver to the continental United States within the direct-consumption limitation of the 1958 mainland quota. Each of these maximums is less than the allotment which the respective allottee would otherwise receive. Accordingly, allotments are herein established for each of the four allottees equal to the respective indicated maximums. These four allotments total 44,907 short tons, raw value. The balance of the 136,113 tons, which is the direct-consumption limitation, less 200 tons set aside for "All other persons," amounts to 91,006 short tons, raw value. That quantity is herein allotted to the Porto Rican American Sugar Refinery, Inc., the only allottee with a potential ability to utilize an allotment in excess of the quantity which would otherwise be allotted in the absence of allotment deficits.

Findings heretofore made by the Secretary in the course of this proceeding provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby

ordered that paragraph (a) of § 814.19 be further amended to read as follows:

§ 814.19 *Allotment of the direct-consumption portion of 1958 sugar quota for Puerto Rico—(a) Allotments.* The direct-consumption portion of the 1958 sugar quota for Puerto Rico, amounting to 136,113 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,434
Central Refining Co.	17,000
Central San Francisco	1,473
Porto Rican American Sugar Rfy, Inc.	91,006
Western Sugar Refining Co.	20,000
All other persons (raw sugar only)	200
Total	136,113

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpretations or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 13th day of November 1958.

[SEAL] TOM O. MURPHY,
Acting Director Sugar Division,
Commodity Stabilization Service.

[P. R. Doc. 58-9591; Filed, Nov. 18, 1958;
8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 143]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.443 *Navel Orange Regulation 143—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reason-

able time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 20, 1958, and ending at 12:01 a. m., P. s. t., September 27, 1959, no handler shall handle any navel oranges, grown in District 1, in District 3, or in District 4, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handler," "handler," "District 1," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[P. R. Doc. 58-9650; Filed, Nov. 18, 1958;
9:08 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

MISCELLANEOUS AMENDMENTS

Notices were published in the FEDERAL REGISTER issues of August 27, 1958 (23 F. R. 6629) and October 30, 1958 (23 F. R. 8398), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 1001.110 et seq.) currently in effect pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the

Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Add the following new section:

§ 1001.115 *Nomination procedure.*

(a) Any grower who resides outside the production area and desires to be represented at a particular nomination meeting by a duly authorized agent and to participate through such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Florida Lime Administrative Committee, as provided in § 1001.22 (b) (2), shall submit to the committee, prior to such meeting but not later than January 20, a written statement containing the following:

- (1) Name of grower;
- (2) Mailing address;
- (3) Location of each lime grove (either legal or from established landmarks);
- (4) Number of lime trees owned;
- (5) Number of 55-pound units of limes marketed to date during the current season;
- (6) Name of the handler of the fruit marketed;
- (7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be present at the nomination meeting and cast his own vote for it to be counted in connection with the nomination and election of nominees.

(c) Notwithstanding that a grower has authorized an agent to cast his vote as specified in paragraph (a) of this section, such grower may appear at the nomination meeting and cast his vote in person to the exclusion of such agent.

2. In paragraph (a) of § 1001.120 *Handler registration*, delete the word "and" appearing at the end of subparagraph (8), change the period at the end of subparagraph (9) to "; and", and add a new subparagraph as follows:

(10) An agreement to comply with all of the requirements of this part, including all rules and regulations thereunder.

3. Revise paragraph (b) of § 1001.120 to read as follows:

(b) Upon receipt of an application for registration, the Florida Lime Administrative Committee shall make such in-

vestigation as may be appropriate, and if it appears that the applicant may reasonably be expected to handle limes in accordance with, and to comply with, the requirements of this part, including all rules and regulations thereunder, it shall issue to the applicant a certificate of registration: *Provided*, That such applicant shall have a valid certificate of registration pursuant to section 601.40 of the Florida Citrus Code covering the packinghouse in which limes are to be prepared for market.

4. Add in § 1001.120 a new paragraph reading as follows:

(e) The committee shall suspend the certificate of registration issued pursuant to this section of any handler who (1) no longer holds a valid certificate of registration covering a lime packinghouse pursuant to section 601.40 of the Florida Citrus Code, or (2) fails to pay assessments as required under the provisions of this part, or (3) fails to render reports as prescribed pursuant to the provisions of this part. With respect to suspension through invalidation of a handler's certificate of registration issued pursuant to the Florida Citrus Code, the committee shall promptly advise such handler in writing of said suspension. With respect to suspension through failure of a handler to comply with assessment and reporting requirements, the committee shall advise the handler in writing of the pending suspension and shall specify the time such suspension shall become effective. Upon determination by the Committee that the handler has satisfied the requirements with respect to certification under the Florida Citrus Code, assessments, and reports, and it appears to the committee that the handler may reasonably be expected thereafter to handle limes in accordance with, and to comply with, the provisions of this part, including all rules and regulations thereunder, the committee shall lift such suspension.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608 c)

Dated, November 14, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-9584; Filed, Nov. 18, 1958; 8:54 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

REVISION OF FREE, RESTRICTED AND WITHHOLDING PERCENTAGES FOR ZAHIDI DATES FOR 1958-59 CROP YEAR

Pursuant to the applicable provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003; 23 F. R. 6904), regulating the handling of domestic dates produced or packed in a designated area of California, hereinafter referred to as the "order," effective under the Agri-

cultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," the Date Administrative Committee has unanimously recommended that, for marketable dates of the Zahidi variety, the free percentage should be revised from 90 to 100 percent, the restricted percentage from 10 to 0 percent, and the withholding percentage from 11.1 to 0 percent for the 1958-59 crop year.

Free, restricted, and withholding percentages of 90, 10, and 11.1, respectively, for such crop year were previously established for dates of the Zahidi variety by an order published in the FEDERAL REGISTER on August 23, 1958 (23 F. R. 6547). These percentages for Zahidi dates were based on the committee's pre-season estimate that the total supply of such dates subject to regulation would exceed the quantity needed to fulfill trade demand in the 1958-59 crop year and to provide a desirable carryout. However, on the basis of recent committee estimates of reduced 1958 production prospects and increased sales in the 1958-59 crop year, as compared with the committee's pre-season estimates of these factors, the total available supply of marketable dates of this variety may be less than the total trade demand for such dates in the 1958-59 crop year. Therefore, the current free percentage for marketable dates of the Zahidi variety should be revised upward to 100 percent to provide the maximum quantity of such marketable dates for use in meeting trade demand.

After consideration of the committee's recommendation, the supporting data submitted by the committee, and other available information, it is hereby found that to increase, as hereinafter set forth, the current free percentage for marketable dates of the Zahidi variety to make it conform, insofar as practicable, with the new relation found to exist between trade demand for, and available supply of, marketable dates of such variety, and to adjust the applicable restricted and withholding percentages accordingly, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered: That § 1003.206 Free, restricted and withholding percentages (23 F. R. 6547), which established the free, restricted, and withholding percentages for marketable dates of the Zahidi variety for the crop year beginning August 1, 1958 and ending July 31, 1959, is hereby revised by changing the provisions in § 1003.206 (b) thereof to read as follows:

(b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608 c)

It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for making the provisions of this order effective upon publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that:

(1) This action removes volume restrictions with respect to the handling of Zahidi dates during the 1958-59 crop year; (2) the revised free percentage of 100 percent will increase the quantity of Zahidi dates available for handling, and handlers need the maximum period of time remaining in the 1958-59 crop year to maximize their sales of such dates; and (3) handlers are aware that the changes in the percentages were unanimously recommended by the committee, and they need no additional advance notice.

Dated November 14, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL]

FLOYD P. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-9582; Filed, Nov. 18, 1958; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. K]

PART 211—CORPORATIONS DOING FOREIGN BANKING OR OTHER FOREIGN FINANCING UNDER THE FEDERAL RESERVE ACT

MISCELLANEOUS AMENDMENTS

1. Effective November 12, 1958, Part 211 is amended in the following respects: a. The second sentence of § 211.3 (b) is amended by substituting a period for the comma following the word "affiliations", and deleting the remainder of this sentence.

b. Section 211.10 (c) is amended by deleting subparagraph (2) and striking out "(1)" preceding the subparagraph (1).

2a. The purpose of this amendment is to eliminate the requirement of § 211.10 (c) (2) that no Financing Corporation shall have a name similar to the name of any bank with which such Corporation is affiliated.

b. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act and the prior publication described in section 4 (c) of such act are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262) and especially because in connection with this liberalizing amendment such procedures are unnecessary because they would not aid the persons affected and would serve no useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply 41 Stat. 378, as amended; 12 U. S. C. 611-631)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-9550; Filed, Nov. 18, 1958; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6868]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROYALTY JEWELRY CO.

Subpart—Misbranding or mislabeling: § 13.1185 Composition.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Alan Nelson et al. trading as Royalty Jewelry Company, New York, N. Y., Docket 6868, Oct. 9, 1958]

In the Matter of Alan Nelson and Armin Feiger, Individually and as copartners Trading as Royalty Jewelry Company.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with representing falsely by stamping "14K" on gold chains of only 13½ karat fineness that the chains were manufactured from gold of 14 karat fineness.

Following the filing of respondents' answer and hearings in due course, the hearing examiner made his initial decision and order to cease and desist. The Commission, with slight modifications on review, on October 9 adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Alan Nelson and Armin Feiger, individually and as copartners trading as Royalty Jewelry Company, or any other name, their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Stamping, branding, engraving, or marking any article with any phrase or mark such as 14K, or otherwise representing, directly or by implication that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U. S. C. sections 294, et seq.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Alan Nelson and Armin Feiger, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the

order to cease and desist contained in the initial decision as modified.

Issued: October 9, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9551; Filed, Nov. 18, 1958; 8:47 a. m.]

[Docket 7156]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOWE SEWING CENTERS, INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 13.70 Fictitious or misleading guarantees; § 13.155 Prices: Bait; exaggerated as regular and customary. Subpart—Misrepresenting oneself and goods: § 13.1647 Guarantees; [Misrepresenting oneself and goods]—Prices: § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Howe Sewing Centers, Inc. (St. Paul, Minn.), et al., Docket 7156, Oct. 8, 1958]

In the Matter of Howe Sewing Centers, Inc., a Corporation, and Royal Appliance Stores, Inc., a Corporation, and Joseph B. Peters, Jack L. Prescott, Thomas S. Peters and Emogene Peters, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in St. Paul, Minn., with using bait advertising to sell rebuilt sewing machines and vacuum cleaners, representing falsely that such products were guaranteed in writing, and representing fictitiously high prices as regular retail prices.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Howe Sewing Centers, Inc., a corporation, and its officers, and Royal Appliance Stores, Inc., a corporation, and its officers, and Joseph B. Peters, individually and as an officer of said corporations, Jack L. Prescott, Thomas S. Peters, and Emogene Peters, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines and vacuum cleaners or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

2. That any merchandise sold or offered for sale by respondents is guaranteed unless guarantees are furnished and unless the nature and extent of the guarantee and the manner in which respondents will perform thereunder are clearly set forth in the guarantee and in the advertising.

3. That any amount is respondents' retail price of merchandise when such amount is in excess of the price at which such merchandise is regularly and usually sold by respondents at retail.

It is further ordered, That the complaint herein be dismissed as to Jack L. Prescott, Thomas S. Peters, and Emogene Peters as officers of said corporations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Howe Sewing Centers, Inc., a corporation and its officers, and Royal Appliance Stores, Inc., a corporation, and its officers, and Joseph B. Peters, individually and as an officers of said corporations, Jack L. Prescott, Thomas S. Peters, and Emogene Peters, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9552; Filed, Nov. 18, 1958; 8:48 a. m.]

[Docket 7158]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BASKIN FURS, INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods: Fur Products Labeling Act; § 13.155 Prices: Exaggerated as regular and customary; forced or sacrifice sales; percentage savings; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1190 Composition: Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1865 Manufacture or preparation: Fur Products Labeling Act; § 13.1886 Quality, grade or type of product.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended;

Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Baskin Furs, Inc., et al., Washington, D. C., Docket 7158, Oct. 11, 1958]

In the Matter of Baskin Furs, Inc., a Corporation, and Emanuel Baskin and Sylvia Baskin Vogel, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Washington, D. C., with violating the labeling, invoicing, and advertising requirements of the Fur Products Labeling Act.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Baskin Furs, Inc., a corporation, and its officers, and Emanuel Baskin and Sylvia Baskin Vogel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

4. Failing to show on labels attached to fur products all of the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the label.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

3. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

2. Contains the name or names of any animal or animals other than the name or names specified in section 5 (a) (1) of the Fur Products Labeling Act;

3. Contains the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

4. Represents, directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

(b) That the regular or usual price charged by respondents for any fur product in the recent regular course of their business is reduced in direct proportion to the amounts of savings stated in percentage savings claims, when contrary to fact;

(c) That any such products are the stock of a business in a state of liquidation, unless such is the fact;

(d) That the sources of fur products are other than the true sources thereof;

(e) That the prices at which fur products are offered for sale are wholesale prices or are less than wholesale cost, unless such is the fact.

D. Making claims and representations in advertisements respecting comparative prices, percentage savings claims, claims that prices are reduced from regular or usual prices or that fur products are offered at wholesale prices, unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9553; Filed, Nov. 18, 1958;
8:48 a. m.]

[Docket 7031]

PART 13—DIGEST OF CEASE AND DESIST
ORDERS

LA BELLE SILVER CO., INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods; § 13.155 Prices: Exaggerated as regular and customary; § 13.235 Source or origin: Maker or seller, etc. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1056 Preticketing merchandise misleadingly. Subpart—Using misleading name—Goods: § 13.2345 Source or origin: Maker.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, La Belle Silver Company, Inc., et al., Glendale, L. I., N. Y., Docket 7031, Oct. 14, 1958]

In the Matter of La Belle Silver Company, Inc., a Corporation, and Simon Cantor, Armand Weinberger, Eugene Singer and Harry Orol, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of small electrical appliances in Glendale, L. I., N. Y., with representing falsely in advertising matter and on labels, price tags, and cartons disseminated for use in the retail sale of its percolators and blenders, that grossly exaggerated prices were the retail selling prices, that certain of their percolators were trimmed in 24 karat "Warranted Gold Plate", and, through prominent use of the words "General Electric", that its said products were manufactured by the General Electric Company.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That respondents, La Belle Silver Company, Inc., a corporation, and its officers, and Simon Cantor, Armand Weinberger, Eugene Singer and Harry Orol, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of small electrical appliances, including percolators or blenders, or any other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That any stated price, which is in excess of the price at which such products are regularly and usually sold at retail, is the retail price of such products.

(b) That merchandise is gold plated, unless it has a surface plating of gold or gold alloy applied by a mechanical process provided, however, that a product or part thereof, on which there has been affixed by an electrolytic process a coating of gold, or a gold alloy of not less than 10 karat fineness, the minimum thickness of which is equivalent to seven one-millionths of an inch of fine gold, may be marked or described as gold electroplate or gold electroplated.

2. Using the name of any company in connection with merchandise which has not been manufactured in its entirety by said company; or representing, directly or indirectly; that merchandise not manufactured in its entirety by a specified company, was so manufactured, provided, however, that this prohibition shall not be construed as preventing a truthful statement that a part of an article of merchandise has been manufactured by a specific company when such part is clearly and conspicuously identified.

3. Furnishing means or instrumentalities to retailers, distributors or others by or through which they may mislead the public with respect to any of the matters set out in the paragraphs above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered. That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9554; Filed, Nov. 18, 1958;
8:48 a. m.]

[Docket 7159]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RICH'S, INC.

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods: Fur Products Labeling Act; § 13.155 Prices: Exaggerated as regular and customary; percentage savings. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1865 Manufacture or preparation: Fur Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 Composition: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Rich's, Inc., Atlanta, Ga., Docket 7159, Oct. 14, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Atlanta, Ga., with violating the invoicing and advertising requirements of the Fur Products Labeling Act.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That respondent, Rich's, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

(g) The item number or mark assigned to a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

3. Setting forth on invoices the name of a country of origin other than the name of the country of origin of the animal that produced the fur.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

3. Contains the name or names of any animal or animals other than the name or names permitted under section 5 (a) (1) of the Fur Products Labeling Act;

4. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of its business;

5. Represents, directly or by implication, through percentage savings claims, that the regular or usual retail prices charged by respondent for fur products in the recent regular course of respondent's business were reduced in direct proportion to the amount of savings stated, when contrary to the fact;

6. Represents, directly or by implication, that a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the sale price and the price at which respondent has usually and customarily sold such fur products in the recent regular course of its business.

C. Making price claims or representations in advertisements respecting comparative prices, percentage savings claims, or claims that prices are reduced from regular or usual prices, unless respondent maintains full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Rich's, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9555; Filed, Nov. 18, 1958;
8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6335]

PART 18—CERTAIN INCOME TAX MATTERS UNDER THE TECHNICAL AMENDMENTS ACT OF 1958

TEMPORARY RULES RELATING TO ELECTIONS OR OTHER ACTIONS BY TAXPAYERS UNDER THE PROVISIONS OF SUCH ACT

The following rules, prescribed under the Technical Amendments Act of 1958, 72 Stat. 1606, relate to certain elections or other actions by taxpayers under the provisions of such act.

The rules set forth herein are temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Technical Amendments Act of 1958. More comprehensive rules with respect to the subjects involved will be incorporated in subsequent regulations under the act. The inclusion in this Treasury decision of rules relating to certain acts is intended to assist taxpayers in the performance of such acts. Rules with respect to other acts required or permitted by other provisions of the act will be covered in subsequent regulations.

In order to prescribe temporary rules relating to certain elections or other actions by taxpayers under the provisions of the Technical Amendments Act of 1958, the following regulations are hereby adopted:

§ 18.1-3 *Additional first-year depreciation allowance for small business—*
(a) *In general.* Section 204 of the Small Business Tax Revision Act of 1958 (72 Stat. 1679) amends the Internal Revenue Code of 1954 by adding a new section 179, relating to additional first-year depreciation allowance for small business. Section 179 (a) provides that in the case of "section 179 property" the term

"reasonable allowance" as used in section 167 (a), relating to the deduction for depreciation, may, at the election of the taxpayer, include an allowance of 20 percent of the cost (subject to certain limitations) of such property for the first taxable year for which a deduction is allowable under section 167 (a) with respect to such property. An election under section 179 (a) may be made only with respect to a taxable year ending after June 30, 1958. For a definition of what constitutes "section 179 property", see section 179 (d). The election under section 179 (c) applies only to "section 179 property" to the extent the cost of such property for such taxable year does not exceed \$10,000, or, in the case of a husband and wife filing a joint return under section 6013 for the taxable year, \$20,000. The taxpayer shall select the cost (or fractional part of the cost) of one or more items of "section 179 property" qualifying for the election in the taxable year in an amount not in excess of the applicable limitation.

(b) *Time and manner of making election.* The election provided by section 179 (c) with respect to "section 179 property" shall be made in a statement attached to the taxpayer's income tax return for the taxable year to which the election applies. The return and statement must be filed not later than the date prescribed by law for filing the return (including any extensions of time) for such taxable year. The statement shall indicate that the taxpayer has elected the provisions of section 179 (a), and shall set forth the following information with respect to the property subject to the election:

- (1) Description of property.
- (2) Date property acquired.
- (3) Estimated useful life at date of acquisition.
- (4) How and from whom the property was acquired.
- (5) Total cost of each item of property with respect to which election is made.
- (6) Portion of cost of property selected.

The selection made by the taxpayer with respect to such property shall be adhered to in computing the taxpayer's taxable income for the taxable year for which the selection is made and for all subsequent taxable years.

(c) *Consent to revoke election.* An election made under section 179 and this section with respect to any property shall be binding with respect to such property for the taxable year for which the election is made, and for all subsequent taxable years, unless consent to revoke the election is obtained from the Commissioner. No application for consent to revoke an election under section 179 will be accepted before the date of publication in the FEDERAL REGISTER of the regulations under section 179. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to apply for such consents in the case of taxable years which end after June 30, 1958, and before the date of publication of regulations under section 179.

(d) *Affiliated group.* Taxpayers which constitute an affiliated group as de-

fined in section 179 (d) (7) shall be treated as one taxpayer for the purpose of the limitation under section 179 (b). In the case of an affiliated group the allowance for additional first-year depreciation may, in accordance with an agreement entered into by the members of the group, be taken by any one such member or divided among them in any portion. Any member of such group that is allowed any portion of the deduction under section 179 shall file a statement in accordance with paragraph (b) of this section. Such statement shall include, in addition to the information required under paragraph (b) of this section, the names of the other members of the affiliated group and a description of the manner in which the deduction under section 179 has been divided among them.

(e) *Records.* Any taxpayer who elects the additional allowance under section 179 with respect to "section 179 property" shall reflect the adjustment to basis required by section 179 (d) (8) in the records which he is required to keep under § 1.167 (a)-7 of this chapter.

§ 18.1-4 *Increase in limitation on medical deduction for a taxpayer or his spouse who has attained age 65 and is disabled—*
(a) *Meaning of disability.*
(1) Section 17 of the Technical Amendments Act of 1958 (72 Stat. 1613) amended section 213 by adding a new subsection (g). For taxable years beginning after December 31, 1957, section 213 (g) provides for an increase in the maximum limitation on the medical deduction for a taxpayer or his spouse who has attained the age of 65 and is disabled. An individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In determining whether an individual's impairment makes him unable to engage in any substantial gainful activity, primary consideration shall be given to the nature and severity of his impairment. Consideration shall also be given to other factors such as the individual's education, training, and work experience. The substantial gainful activity to which section 213 (g) refers is the activity, or a comparable activity, in which the individual customarily engaged prior to the arising of the disability (or prior to retirement if the individual was retired at the time the disability arose). In the case of a taxpayer's spouse whose primary activity is housekeeping, housekeeping shall be considered her substantial gainful activity for purposes of section 213 (g).

(2) Whether or not the impairment in a particular case constitutes a disability is to be determined with reference to all the facts in the case. The following are examples of impairments which would ordinarily be considered as preventing substantial gainful activity:

- (i) Loss of use of two limbs;
- (ii) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease;

(iii) Diseases of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatigue is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores;

(iv) Cancer which is inoperable and progressive;

(v) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory;

(vi) Mental disease (e. g., psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the individual;

(vii) Loss or diminution of vision to the extent that the affected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees;

(viii) Permanent and total loss of speech;

(ix) Total deafness uncorrectible by a hearing aid.

The existence of one or more of those impairments (or of an impairment of greater severity) will not, however, in and of itself always permit a finding that an individual is disabled as defined in section 213 (g). Any impairment, whether of lesser or greater severity, must be evaluated in terms of whether it does in fact prevent the individual from engaging in his customary or any comparable substantial gainful activity.

(3) In order to meet the requirements of section 213 (g), an impairment must be expected either to continue for a long and indefinite period or to result in death. Ordinarily a terminal illness because of disease or injury would result in disability. Indefinite is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. For example, an individual who suffers a bone fracture which prevents him from working for an extended period of time will not be considered disabled, if his recovery can be expected in the foreseeable future.

(4) Impairments which are remediable do not constitute a disability within the meaning of section 213 (g). An individual will not be deemed disabled if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in his customary or any comparable substantial gainful activity.

(b) *Manner of proving the existence of disability.* Any taxpayer whose medical expenses are in excess of the maximum limitations of section 213 (c) and who seeks to apply the provisions of section 213 (g) must submit the information required by § 1.213-1 (h) of this chapter and must establish that he or his spouse, as the case may be, has sustained an impairment as described in

paragraph (a) of this section and that by reason of such impairment, he or his spouse, as the case may be, is unable, with his training, education, and work experience, to engage in his customary or any comparable substantial gainful activity, within the meaning of paragraph (a) of this section. For the first taxable year for which the taxpayer seeks the application of section 213 (g), there must be submitted with his income tax return a doctor's statement as to any impairment upon which the taxpayer relies. There must also be submitted with the return a statement by the taxpayer with respect to the effect of the impairment upon his substantial gainful activity. For subsequent taxable years, the taxpayer may, in lieu of such statements, submit a statement declaring the continued existence (without substantial diminution) of the impairment and its continued effect on his substantial gainful activity.

§ 18.1-5 *Taxation of employee annuities*—(a) *In general.* Section 403 (b) of the Internal Revenue Code of 1954, as added by section 23 (a) of the Technical Amendments Act of 1958 (72 Stat. 1620), limits the extent to which an employee of an employer described in section 501 (c) (3) and exempt from tax under section 501 (a) may exclude from gross income employer contributions to purchase annuity contracts for the employee. The employer contributions are excluded from the employee's income to the extent that the aggregate of such contributions does not exceed an exclusion allowance provided in section 403 (b). In computing such exclusion allowance, it is necessary to determine the number of years of service of an employee. For this purpose, the number of years of service of an employee shall be determined in accordance with the rules set forth in this section.

(b) *Full-time employee for full year.*

(1) Each full year during which an individual was employed full-time shall be considered as one year of service. In determining whether an individual is employed full-time, the amount of work which he is required to perform shall be compared with the amount of work which is normally required of individuals holding the same position with the same employer and who generally derive the major portion of their personal service income from such position.

(2) (i) In measuring the amount of work required of individuals holding a particular position, any method that reasonably and accurately reflects such amount may be used. For example, the number of hours of classroom instruction is only an indication of the amount of work required, but it may be used as a measure.

(ii) In determining whether positions with the same employer are the same, all of the facts and circumstances concerning the positions shall be considered, including the work performed, the methods by which compensation is computed, and the descriptions (or titles) of the positions. For example, an assistant professor employed in the English department of a university will be considered a full-time employee if the amount of work

that he is required to perform is the same as the amount of work normally required of assistant professors of English at that university who derive the main portion of their personal service income from such position.

(iii) In case an individual's position is not the same as another with his employer, the rules of this paragraph shall be applied by considering the same position with similar employers or similar positions with the same employer.

(3) A full year of service for a particular position means the usual annual work period of individuals employed full-time in that general type of employment at the place of employment. For example, if a doctor employed by a hospital works throughout the 12 months of a year except for a one-month vacation, such doctor will be considered as being employed for a full year, if doctors at that hospital work 11 months of the year with a one-month vacation. Similarly, if the usual annual work period at a university consists of the fall and spring semesters, an instructor at that university who teaches those semesters will be considered as working a full year.

(c) *Other employees.* (1) For purposes of section 403 (b), an individual shall be treated as having a fraction of a year of service for each year during which he was a full-time employee for part of the year or for each year during which he was a part-time employee for the entire year or for a part of the year. However, in computing the exclusion allowance under section 403 (b), any employee shall be treated as having at least one year of service.

(2) In determining the fraction which represents the fractional year of service for an individual employed full time for part of a year, the numerator shall be the number of weeks (or months) during which the individual was a full-time employee in a position, and the denominator shall be the number of weeks (or months) which is considered under paragraph (b) (3) of this section as the usual annual work period for that position. For example, if an instructor is employed full time by a university for the 1958 fall semester (which lasts from October 1958 through January 1959), and the academic year of the university is 8 months long, ending in May 1959, then he is considered as having completed $\frac{1}{2}$ of a year of service.

(3) In determining the fraction which represents the fractional year of service of an individual who is employed part time for a full year, the numerator shall be the amount of work required to be performed by the individual, and the denominator shall be the amount of work normally required of individuals who hold the same position. The amount of work required to be performed by the individual and the amount of work normally required of individuals holding the same position shall be determined in accordance with the principles of paragraph (b) of this section. Thus, if a practicing physician teaches one course at a local medical school 3 hours per week for two semesters and other faculty members at that medical school teach 9 hours per week each semester, then the

practicing physician is considered as having completed $\frac{3}{4}$ of a year of service.

(4) In determining the fraction representing the fractional year of service of an individual who is employed part time for part of a year, it is necessary to compute the fractional year of service if the individual were a part-time employee for a full year, and the fractional year of service if the individual were a full-time employee for the part of a year. The two fractions shall be multiplied and the product is the fractional year of service of such individual who is employed part time for part of a year. For example, if an attorney who is a specialist in a subject teaches a course in that subject for 3 hours per week for one semester at a nearby law school, and the full-time instructors at that law school teach 12 hours per week for two semesters, then the fractional part of a year of service for such part-time instructor is computed as follows: The fractional year of service if the instructor were a part-time employee for a full year is $\frac{3}{12}$ (number of hours employed divided by the usual number of hours of work required for that position); the fractional year of service if the instructor were a full-time employee for part of a year is $\frac{1}{2}$ (period worked or one semester, divided by usual work period, or 2 semesters). These fractions are multiplied to obtain the fractional year of service: $\frac{3}{12}$ times $\frac{1}{2}$, or $\frac{1}{4}$ ($\frac{1}{4}$).

§ 18.1-6 Prepaid subscription income—(a) Manner of making election not requiring consent. Section 455 permits taxpayers to elect to include prepaid subscription income in gross income for the taxable years during which the liability exists to furnish or deliver a newspaper, magazine, or other periodical. An election not requiring consent may be made for the first taxable year beginning after December 31, 1957, in which the taxpayer receives prepaid subscription income in the trade or business. Such election shall be applicable to all prepaid subscription income received in connection with the trade or business for which the election is made; except that the taxpayer may include in gross income for the taxable year of receipt the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid subscription income received before the first taxable year for which the election is made. The election shall be made by a statement attached to the income tax return for the first taxable year to which the election is applicable. Such statement shall indicate that the taxpayer has elected under the provisions of section 455 (c) (3) (B) to report prepaid subscription income in accordance with the provisions of section 455, and shall also show:

- (1) The method of accounting used by the taxpayer in the particular trade or business,
- (2) The total amount of prepaid subscription income,

(3) The periods over which the liability described in section 455 (d) (2) extends,

(4) The amount of such income applicable to each such future period, and

(5) The method of allocation.

In any case in which prepaid subscription income is received from more than one trade or business, the statement shall set forth the required information with respect to each trade or business subject to the election. The return and statement must be filed not later than the date prescribed by law for filing the return (including any extensions of time) for the taxable year for which the election is made.

(b) *Scope of election—(1) In general.* An election made under paragraph (a) of this section shall be binding for the taxable year for which the election is made and for all subsequent taxable years, unless consent to revoke the election is obtained from the Commissioner. Any application for consent to revoke an election under section 455 will not be accepted before the date of publication in the FEDERAL REGISTER of regulations under section 455.

(2) *Liability extending for 12 months or less.* Under paragraph (a) of this section, a taxpayer may include income from prepaid subscriptions where the liability does not extend beyond a 12-month period either in the taxable years during which the liability exists or in the taxable year received. However, an election under this section to include such income in the taxable years during which the liability exists is binding, and the method so adopted must be used by the taxpayer for the taxable year for which adopted and for all subsequent taxable years. That is, an election with respect to such income is revocable only with the consent of the Commissioner.

(c) *Consent to make election at any time.* An application for consent under section 455 (c) (3) (A) will not be accepted before the date of publication in the FEDERAL REGISTER of regulations under section 455. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to apply for such consents in the case of taxable years which begin after December 31, 1957, and end before the date of such publication.

(d) *Treatment of prepaid subscription income under an established accounting method.* Notwithstanding paragraphs (a), (b), and (c) of this section, any taxpayer who, for taxable years beginning before January 1, 1958, has reported for income tax purposes prepaid subscription income under an established and consistent method or practice of deferring such income may continue to report such income for all subsequent taxable years to which this section applies in accordance with such method or practice. Except as provided in paragraph (a) of this section, a change in such method or practice may be made only in accordance with § 1.446-1 of this chapter.

§ 18.1-7 Sale or exchange of residence—(a) Election to treat condemna-

tion of property as sale. (1) Paragraph (2) of section 1034 (1) of the Internal Revenue Code of 1954, as added by section 46 (b) of the Technical Amendments Act of 1958 (72 Stat. 1641), permits a taxpayer to elect to treat the seizure, requisition, or condemnation of his principal residence, or the sale or exchange of such residence under threat or imminence thereof, if occurring after December 31, 1957, as the sale of such residence for purposes of section 1034 (relating to sale or exchange of residence). A taxpayer may thus elect to have section 1034 apply, rather than section 1033 (relating to involuntary conversions), in determining the amount of gain realized on the disposition of his old residence that will not be recognized and the extent to which the basis of his new residence acquired in lieu thereof shall be reduced. The election, once made, shall be irrevocable.

(2) If the taxpayer elects to be governed by the provisions of section 1034, section 1033 will have no application. Thus, a taxpayer who elects under section 1034 (1) (2) to treat the seizure, requisition, or condemnation of his principal residence, or the sale or exchange of such residence under threat or imminence thereof, as a sale for purposes of section 1034, must satisfy the requirements of section 1034 and § 1.1034-1 of this chapter. For example, such a taxpayer must replace his old residence with a new residence which he uses as his principal residence, within a period beginning one year before the date of disposition of his old residence, and ending one year after such date. In the case of a new residence the construction of which was commenced by the taxpayer within such period, the period shall not expire until 18 months after the date of disposition of the old residence.

(b) *Time and manner of making election.* The election under section 1034 (1) (2) shall be made in a statement attached to the taxpayer's income tax return for the taxable year during which the disposition of his old residence occurs. The statement shall indicate that the taxpayer elects under section 1034 (1) (2) to treat the disposition of his old residence as a sale for purposes of section 1034, and shall show:

- (1) The basis of the old residence;
- (2) The date of its disposition;
- (3) The adjusted sales price of the old residence, if known; and
- (4) The purchase price, date of purchase, and date of occupancy of the new residence if it has been acquired prior to the time of making the election.

Because this Treasury decision merely provides temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Technical Amendments Act of 1958, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective

date limitation of section 4 (c) of that Act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL]

O. GORDON DELK,
Acting Commissioner
of Internal Revenue.

Approved: November 13, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-9568; Filed, Nov. 18, 1958;
8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

REVOCATION

Part 535, including §§ 535.1 through 535.34, is hereby revoked.

[AR 35-3240, January 25, 1957, and AR-107, April 23, 1958]

(Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL]

R. V. LEE,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-9539; Filed, Nov. 18, 1958;
8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BRONX RIVER, NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 (f) (2) is hereby amended to permit closure of the draw to navigation of The New York, New Haven and Hartford Railroad Company bridge across the Bronx River, north of Westchester Avenue, Borough of The Bronx, New York, N. Y., as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* . . .

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(2) Bronx River, New York, New Haven and Hartford Railroad Company bridge, north of Westchester Avenue. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) of this section shall not apply to this bridge.

[Regs., November 3, 1958, 823.01—(Bronx River, N. Y.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL]

R. V. LEE,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-9540; Filed, Nov. 18, 1958;
8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1751]

[1373468]

CALIFORNIA

REVOKING EXECUTIVE ORDER OF JULY 27, 1877, WHICH RESERVED ANITA ROCK FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of July 27, 1877, which reserved for lighthouse purposes Anita Rock, an unsurveyed rock in San Francisco Bay, in approximate latitude 37°48.5' N., longitude 122°27.1' W., is hereby revoked.

2. The rock is subject to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks, and pinnacles situated in the Pacific Ocean, off the Coast of California, for classification and in aid of legislation.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 12, 1958.

[F. R. Doc. 58-9541; Filed, Nov. 18, 1958;
8:45 a. m.]

[Public Land Order 1752]

[Anchorage 028640]

ALASKA

WITHDRAWING LANDS NEAR HOMER FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Air Force for military purposes:

SEWARD MERIDIAN

T. 5 S., R. 13 W.,
Sec. 29, SW¼, S½NW¼, SW¼NE¼, and NW¼SE¼.

The areas described aggregate 320 acres.

2. The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources of the lands. No disposal of such resources will be made except under applicable public land laws with the concurrence of the Department of the Air Force and, where neces-

sary, only after appropriate modification of the provisions of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 12, 1958.

[F. R. Doc. 58-9542; Filed, Nov. 18, 1958;
8:45 a. m.]

[Public Land Order 1753]

[Washington 01214]

WASHINGTON

RESERVING PUBLIC LANDS FOR WATERSHED PROTECTION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights, if any, of the Yakima Tribe of Indians of the State of Washington, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws or disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved under jurisdiction of the Secretary of the Interior for watershed protection purposes in furtherance of the objectives of the act of May 11, 1938 (52 Stat. 345), as amended by the act of August 8, 1946 (60 Stat. 932):

WILLAMETTE MERIDIAN

T. 7 N., R. 13 E.,
Sec. 33, S½SE¼.

The tract described contains 80 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 12, 1958.

[F. R. Doc. 58-9543; Filed, Nov. 18, 1958;
8:46 a. m.]

[Public Land Order 1754]

[80581]

WISCONSIN

PARTLY REVOKING EXECUTIVE ORDER OF APRIL 4, 1853, WHICH WITHDREW LAND FOR LIGHTHOUSE PURPOSES (LIGHTHOUSE REEF)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 4, 1853, so far as it reserved the following-described lands near the northern outlet of Lake Winnebago, is hereby revoked:

FOURTH PRINCIPAL MERIDIAN

T. 20 N., R. 17 E.,
Sec. 23, an unsurveyed island situated (about 1,000 feet) east of lot 1, now known as Lighthouse Reef.

2. The island is unsurveyed and will not be subject to application, location, selection, or any other form of appropriation under the public land laws unless and until an authorized officer of the

Bureau of Land Management shall issue, and have published in the FEDERAL REGISTER a notice of the official filing of a plat of survey of the island; which notice shall designate the time when, and manner in which applications and selections may be filed for, and rights initiated in such lands. The island is in the main, if not entirely awash.

ROGER ERNST,

Assistant Secretary of the Interior.

NOVEMBER 13, 1958.

[P. R. Doc. 58-9544; Filed, Nov. 18, 1958; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[COFR 58-44]

MISCELLANEOUS AMENDMENTS TO CHAPTER LIFE LINES FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

In the administration of maritime safety, navigation, and vessel inspection laws and regulations the Coast Guard permits equivalents as alternates to fittings, apparatus, or equipment, or types thereof, which are specifically prescribed in 46 CFR Chapter I for various types of vessels. The conditions under which such equivalents may be used are set forth in 46 CFR 30.15-1, 70.15-1, 90.15-1, and 175.15-1.

A number of manufacturers of lifesaving equipment requested permission to substitute polyethylene plastic life lines without seine floats for the required life lines with seine floats prescribed for lifeboats, life rafts, life floats, and buoyant apparatus. The purpose for the seine floats in life lines attached to certain lifesaving appliances is to keep such lines afloat and thereby making it easier for persons to grab such lines in an emergency. The rules and regulations governing passenger vessels, small passenger vessels, tank vessels, cargo and miscellaneous vessels, and nautical school ships, as well as specifications for life rafts, life floats, and buoyant apparatus, specifically require the life lines attached to lifeboats, life rafts, life floats, and buoyant apparatus shall have a seine float in each bight of such lines. It has been shown to the satisfaction of the Commandant that polyethylene plastic lines are inherently buoyant, absorb little or no water, are more resistant to deterioration than manila or sisal; and such lines of a size and strength of not less than $\frac{3}{8}$ -inch diameter manila without seine floats are satisfactory for use as life lines on lifeboats, life rafts, life floats, and buoyant apparatus, either for new construction or for replacement lines on existing equipment.

The purpose for the amendments to the regulations as set forth in this document is to inform shipowners and operators, as well as manufacturers of certain lifesaving appliances, that seine floats may be omitted from life lines when such lines are inherently buoyant and that the Commandant has accepted

this alternate under the provisions of 46 CFR 30.15-1, 70.15-1, 90.15-1, and 175.15-1. The text of some of the regulations was editorially changed to insure that the same requirements will apply to this equipment regardless of type of vessel on which it may be carried.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

1. Section 33.15-10 (p) is amended to read as follows:

§ 33.15-10 Description of equipment for lifeboats—TB/ALL. * * *

(p) Life line. The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

2. Section 33.15-20 (b) is amended to read as follows:

§ 33.15-20 Description of equipment for life rafts and buoyant apparatus—TB/LBR. * * *

(b) Life line. The life line shall be properly secured around the sides and ends of the life raft, or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

Subchapter H—Passenger Vessels

PART 75—LIFESAVING EQUIPMENT

SUBPART 75.20—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

1. Section 75.20-15 (p) is amended to read as follows:

§ 75.20-15 Description of equipment for lifeboats. * * *

(p) Life line. The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may

be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

2. Section 75.20-25 (d) is amended to read as follows:

§ 75.20-25 Description of equipment for life rafts. * * *

(d) Life line. The life line shall be properly secured around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

3. Section 75.20-35 (b) is amended to read as follows:

§ 75.20-35 Description of equipment for life floats and buoyant apparatus. * * *

(b) Life line. The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter I—Cargo and Miscellaneous Vessels

PART 94—LIFESAVING EQUIPMENT

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

1. Section 94.20-15 (p) is amended to read as follows:

§ 94.20-15 Description of equipment for lifeboats. * * *

(p) Life line. The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

2. Section 94.20-25 (d) is amended to read as follows:

§ 94.20-25 Description of equipment for life rafts. * * *

(d) Life line. The life line shall be properly secured around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.010—BUOYANT APPARATUS FOR MERCHANT VESSELS

Section 160.010-3 (f) is amended to read as follows:

§ 160.010-3 General requirements for buoyant apparatus. * * *

(f) It shall have a life line securely attached around the outside, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila. Pendants shall be fitted approximately 18 inches apart. Pendants shall be of a size and strength not less than $\frac{1}{4}$ -inch diameter manila, and shall be not less than 12 feet in length and secured in the middle. Pendants shall be made up in hanks, and the hanks shall be secured by not more than two turns of light twine. Peripheral-body type apparatus not fitted on the inside with a flush net or platform shall also be provided with a life line and pendants on the inside.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 160.018—LIFE RAFTS FOR MERCHANT VESSELS

Section 160.018-5 (c) is amended to read as follows:

§ 160.018-5 Construction; Type B; catamaran type. * * *

(c) A life line shall be securely attached around the outside of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 160.027—LIFE FLOATS FOR MERCHANT VESSELS

Section 160.027-4 (i) is amended to read as follows:

§ 160.027-4 Balsa wood body life floats. * * *

(i) The life line around the float shall be festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. Pendants shall be fitted approximately 18 inches apart. The straps holding the life line and pendants shall be 3-inch cotton webbing having a breaking strength of not less than 750 pounds for the 10- and 15-person sizes, and not less than 1,500 pounds for the 25-, 40-, and 60-person sizes.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.35—LIFESAVING EQUIPMENT

Section 167.35-60 (k) is amended to read as follows:

§ 167.35-60 Lifeboat equipment. * * *

(k) Life line. When necessary a life line, or grab line, properly secured the entire length on each side, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(R. S. 4405, as amended, 46 U. S. C. 375)

Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)

PART 180—LIFESAVING EQUIPMENT

SUBPART 180.15—EQUIPMENT FOR LIFE FLOATS AND BUOYANT APPARATUS

Section 180.15-5 (a) is amended to read as follows:

§ 180.15-5 Description of equipment for life floats and buoyant apparatus—

(a) Life line. The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than $\frac{3}{8}$ -inch diameter manila.

(Sec. 3, 70 Stat. 152; 46 U. S. C. 390b)

Dated: November 12, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[P. R. Doc. 58-9567; Filed, Nov. 18, 1958;
8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12572; FCC 58-1082]

[Rules Amdt. 2-30]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of November 1958;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 9, 1958 (23 F. R. 6144), and that the period for the filing of comments has now expired; and

It further appearing, that no comments were received by the Commission in response to its notice of proposed rule making in Docket No. 12572; and

It further appearing, that the proposal in this proceeding with respect to footnote US17 superseded the proposal with respect to that footnote contained in the notice of proposed rule making issued on April 18, 1958, in Docket No. 12404; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective December 29, 1958, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 14, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In § 2.1, delete the definitions of contract developmental station, developmental fixed station, developmental land station, developmental mobile station and export developmental station.

2. In § 2.104 (a) (5), delete footnotes NG1, NG22, and US17 at each point where they occur in the table of frequency allocation and delete the texts thereof from the list of footnotes immediately following the table.

3. In § 2.103, amend paragraphs (a) and (b) thereof to read as follows:

(a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc and 40,000 Mc, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations herein.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule-making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations, engaged solely in scientific or technical radio experiments not related to an existing or

proposed service nor intended to develop a proposed service or specific use of radio, may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations, engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies, may be authorized the use of any band or bands of frequencies.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service.

(7) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

4. In § 2.103, add a new paragraph (g) to read as follows:

(g) In the bands above 25 Mc which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such fixed stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question.

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

[P. R. Doc. 58-9595; Filed, Nov. 18, 1958; 8:56 a. m.]

[Docket No. 12404; FCC 58-1079]

[Rules Amdts. 2-29 and 5-8]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 5—EXPERIMENTAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. On April 16, 1958, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 18, 1958 and published in the FEDERAL REGISTER on April 23, 1958 (23 F. R. 2698). An errata correcting certain minor errors and omissions in the notice was released on May 1, 1958, and published in the FEDERAL REGISTER on May 6, 1958 (23 F. R. 3022). The first, second, and third reports and orders in this docket were adopted by the Commission respectively on July 30,

1958, July 31, 1958, and September 10, 1958, and published in the FEDERAL REGISTER respectively on August 9, 1958 (23 F. R. 6111), August 9, 1958 (23 F. R. 6112) and September 17, 1958 (23 F. R. 7177). These orders amended Parts 2 and 9 of the Commission's rules to re-allocate 13250-13400 Mc for airborne doppler radar, 121.6 Mc for aeronautical search and rescue mobile stations, 1435-1535 Mc for aeronautical telemetering and portions of the 118-132 Mc band for non-Government use only.

2. The notice of proposed rule making in this proceeding included proposals to delete footnotes NG18 and NG39 from the table of frequency allocations, § 2.104 (a) (5), and to add in lieu thereof the more inclusive footnotes US113, US113A, US116, US117, US118, US122 and US124. The same notice made it clear, however, that in the case of its proposals relative to radionavigation bands the Commission might not take final action until after the 1959 ITU Radio Conference. Such final action would contemplate the adoption of the aforementioned footnotes.

3. Under existing rules, footnote NG18 permits non-Government radiopositioning stations to be authorized in the frequency bands 2900-3100 Mc, 5250-5440 Mc, 5460-5650 Mc, 9000-9200 Mc and 9320-9500 Mc. On the other hand, footnote NG39 permits educational institutions holding authorizations in the Experimental Service (Research) to operate only in the band 2900-3100 Mc for the purpose of technical instruction or demonstration of microwave techniques using pulsed emissions. The function performed under such educational institution authorizations falls within the terms of the definition of radiopositioning.

4. The deletion of footnote NG39 will permit the issuance of authorizations to educational institutions for this purpose under the same conditions applicable to, and specifying the same frequency bands as those now provided under footnote NG18 for the use of other non-Government radiopositioning stations.

5. The period for filing comments in this matter expired July 16, 1958. No comment was received with respect to the proposal mentioned in paragraph 2 above. Inasmuch as the application of footnote NG39 appears unduly restrictive, the Commission has decided, as an interim step, to implement at this time that portion of its proposals in this matter which would delete NG39 from Part 2 of its rules. Part 5 of the Commission's rules, rules governing the experimental radio services, is also being amended to reflect the Part 2 changes herein ordered.

6. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

7. It is ordered, That effective December 29, 1958, Parts 2 and 5 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 12, 1958.

Released: November 14, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete footnote NG39 from the table of frequency allocations, § 2.104 (a) (5) and delete the (NG39) designator from the 2900-3100 Mc band shown in column 7 of the table.

2. Delete paragraph (f) of § 5.57.

[P. R. Doc. 58-9594; Filed, Nov. 18, 1958; 8:56 a. m.]

[Rules Amdt. 9-26]

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the amendment of Part 9—Aviation Services, to effect the editorial changes described below; and

It appearing, that pursuant to the general revision of Part I effective February 3, 1958 (Docket No. 11846, 22 F. R. 10981), § 1.61 now provides that the addressee of a notice of violation may respond thereto within 10 days, in lieu of the three-day period previously provided; and

It further appearing, that § 9.194 should be amended to reflect this change; and

It further appearing, that in accordance with recommendation Number 21, Communications Committee, First Pacific Regional Air Navigation Meeting (ICAO) Manila, 1955, the frequency 5536.5 Kc. is now available for aeronautical enroute communications in the Central West Pacific, and provision should be made in § 9.437 for such use of this frequency; and

It further appearing, that for the reasons above-recited, the public interest would be served by amending Part 9 of the Commission's rules in the manner herein ordered; and

It further appearing, that in view of the editorial nature of the amendments herein ordered, issuance of notice of proposed rule making under section 4 (a) of the Administrative Procedure Act is unnecessary and would serve no useful purpose; and

It further appearing, that since the amendments herein ordered involve no substantive change in the Commission's rules, such amendments may be made effective less than 30 days after publication, as provided in section 4 (c) of the Administrative Procedure Act; and

It further appearing, that authority for issuance of this Order is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 13th day of November 1958, that effective November 20,

1958, Part 9—Aviation Services, be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 14, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 9.194 to read as follows:

§ 9.194 *Notice of violations.* (a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be

specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such

apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

2. Amend paragraph (b) of § 9.437 to read as follows:

(b) *Central West Pacific (CWP).*

kc	kc	kc	kc
2966	5536.5	13354.5	17006.5
5506.5	8862.5		

[F. R. Doc. 58-9596; Filed, Nov. 18, 1958; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE Agricultural Marketing Service [7 CFR Part 26]

CORN

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration a proposed revision of the Official Grain Standards of the United States for Corn (7 CFR 26.151 et seq.), promulgated under the authority of the United States Grain Standards Act, 39 Stat. 482, as amended (7 U. S. C. 71 et seq.).

Since the last revision of the official standards for corn, effective January 20, 1937, there has been a change in the character of the corn crop due to the general adoption of hybrid corn and the mechanization of the methods of harvest. The test weight per bushel of hybrid corn is nearly always higher than for open pollinated corn. It has been found that the water-oven method prescribed in the standards for determining the moisture content of corn is inaccurate in determining the true moisture content. Requests for revision of the standards have been received from processors and handlers of corn. Studies have been made by the Department to determine the effect of the recommended changes on the practical application of the standards and on the marketing of the crop. As a result of these studies, the following changes are offered for consideration:

1. The water-oven method for determining the moisture content of corn be eliminated and an air-oven method be substituted.

2. The minimum test weight per bushel for the several numerical grades be increased.

3. The incorporation of other changes of minor importance.

It is proposed that consideration be given to revising the Official Grain Standards of the United States for Corn to read essentially as follows:

§ 26.151 *Terms defined.* For the purposes of the Official Grain Standards of the United States for Corn (Maize):

(a) *Corn.* Corn shall be any grain which consists of 50 percent or more of whole kernels of shelled dent corn and/or shelled flint corn (Zea mays) and may contain not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act.

(b) *Classes.* Corn shall be divided into the following three classes: Yellow corn, white corn, and mixed corn.

(c) *Yellow corn.* The class yellow corn shall be yellow-kerneled corn and may contain not more than 5.0 percent of corn of other colors. Yellow kernels of corn with a slight tinge of red shall be considered as yellow corn.

(d) *White corn.* The class white corn shall be white-kerneled corn and may contain not more than 2.0 percent of corn of other colors. White kernels of corn with a slight tinge of light straw or pink color shall be considered as white corn.

(e) *Mixed corn.* The class mixed corn shall be corn which does not meet the color requirements for either of the classes yellow corn or white corn and shall include white-capped yellow corn.

(f) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 26.153.

(g) *Broken corn and foreign material.* Broken corn and foreign material shall be kernels and pieces of kernels of corn and all matter other than corn which will pass readily through a 12/64 sieve, and all matter other than corn which remains in the sieved sample.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of corn which are heat damaged,

sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of corn which have been materially discolored and damaged by heat.

(j) *12/64 sieve.* A 12/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1875 (1 $\frac{1}{4}$) inch in diameter which are $\frac{1}{4}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(k) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.152 *Principles governing the application of the standards.* The following principles shall apply in the determination of the classes and grades of corn:

(a) *Basis of determination.* Each determination of class, damaged kernels, heat-damaged kernels, flint corn, and flint and dent corn shall be upon the basis of the grain after the removal of the broken corn and foreign material. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for corn prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 of the Agricultural Marketing Service, or ascertained by any device and method which give equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture as described in Circular No. 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.153 *Grades, grade requirements and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes yellow corn, white corn, and mixed corn.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Broken corn and foreign material	Damaged kernels	
				Total	Heat-damaged kernels
	Pounds	Percent	Percent	Percent	Percent
1.....	56	14.0	2.0	3.0	0.1
2.....	54	15.5	3.0	5.0	.2
3.....	52	17.5	4.0	7.0	.5
4.....	49	20.0	5.0	10.0	1.0
5.....	46	23.0	7.0	15.0	3.0

Sample grade: Sample grade shall be corn which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive, or which contains stones, or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.

(b) *Grade designations for all classes of corn.* The grade designation for corn shall include, in the order named, the number of the grade or the words "sample grade," as the case may be; the name of the applicable class; and the name of each applicable special grade.

(c) *Special grades, special grade requirements, and special grade designations for corn—(1) Flint corn—(i) Requirements.* Flint corn shall be corn of any class which consists of 95 percent or more of flint corn.

(ii) *Grade designation.* Flint corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not flint, and there shall be added to and made a part of the grade designation, immediately following the class name, the word "flint."

(2) *Flint and dent corn—(i) Requirements.* Flint and dent corn shall be corn of any class which consists of a mixture of flint and dent corn containing more than 5.0 percent but less than 95 percent of flint corn.

(ii) *Grade designation.* Flint and dent corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not flint and dent, and there shall be added to and made a part of the grade designation, immediately following the class name, the words "flint and dent" and the approximate percentage of flint corn.

(3) *Weevily corn—(i) Requirements.* Weevily corn shall be corn which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not weevily, and there shall be added to and made a part of the grade designation the word "weevily."

The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. If revised standards for corn are promulgated, they should be made effective on or about September 1, 1959.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), informal public hearings will be held at Chicago, Illinois, and Minneapolis, Minnesota, at which interested parties may submit their views and opinions orally or in writing with respect to the desirability of promulgating the suggested changes and related matters. The times and places of such hearings will be as follows:

Chicago, Illinois, beginning as 1:30 p. m. on December 9, 1958, in Room 660 of the Board of Trade Building.

Minneapolis, Minnesota, beginning at 1:30 p. m. on December 11, 1958, in Room 100 of the Minneapolis Grain Exchange.

Written data, views, or arguments may also be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than December 22, 1958. Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received by the Director not later than December 22, 1958, and to other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, shall be promulgated.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearings. In case this designee is unable to conduct the hearings, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearings.

Done at Washington, D. C., this 14th day of November 1958.

[SEAL] S. T. WARRINGTON,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-9586; Filed, Nov. 18, 1958; 8:54 a. m.]

[7 CFR Part 26]

OATS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration a proposed revision of the Official Grain Standards of the United States for Oats (7 CFR 26.251 et seq.) promulgated under the authority of the United States Grain Standards Act, 39 Stat. 482, as amended (7 U. S. C. 71 et seq.).

In recent years the quality of oats produced in the United States has been im-

proved, especially for such factors as test weight per bushel. In some other respects the official standards for oats are also in need of revision in order to meet the current necessities of the trade. This improvement in the quality of the oats crop has been recognized by the grain trade which, in turn, has requested that consideration be given to revising the oats standards.

Studies conducted by the Department indicate that certain changes would more effectively reflect the quality of the crop in marketing channels. As a result, the following changes are offered for consideration:

1. An increase in the minimum test weight per bushel requirement in the several numerical grades and in the special grades Extra Heavy oats and Heavy oats and the elimination of the special grade Medium Heavy oats.

2. A reduction in the minimum moisture requirement for Tough oats.

3. The elimination of the special grade, Special Red oats.

4. The incorporation of other changes of minor importance.

It is proposed that consideration be given to revising the Official Grain Standards of the United States for Oats to read essentially as follows:

§ 26.251 *Terms defined.* For the purposes of the Official Grain Standards of the United States for Oats:

(a) *Oats.* Oats shall be any grain which consists of 50 percent or more of cultivated oats (*Avena sativa* and/or *A. byzantina*) and may contain not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act, singly or in combination.

(b) *Classes.* Oats shall be divided into the following four classes: White oats, Red oats, Gray oats, and Mixed oats.

(c) *White oats.* The class White oats shall be oats with white or yellow hulls and may contain not more than 10.0 percent of oats of other colors.

(d) *Red oats.* The class Red oats shall be oats with red hulls and may contain not more than 10.0 percent of oats of other colors. Red oats with tinges of white, brown, or black on the hulls shall be classified as Red oats.

(e) *Gray oats.* The class Gray oats shall be oats with gray hulls and may contain not more than 10.0 percent of oats of other colors.

(f) *Mixed oats.* The classed Mixed oats shall be mixtures of oats which do not meet the color requirements of the classes White oats, Red oats, or Gray oats. Black oats shall be classified as Mixed oats.

(g) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 26.253.

(h) *Foreign material.* Foreign material shall be all matter other than cultivated oats, other grains, and wild oats, but shall include oat clippings and detached oat hulls.

(i) *Other grains.* Other grains shall be wheat, rye, corn, grain sorghums, bar-

PROPOSED RULE MAKING

ley, hull-less barley, flaxseed, emmer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

(j) *Sound cultivated oats.* Sound cultivated oats shall be all cultivated oats which are not heat-damaged, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(k) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of cultivated oats, other grains and wild oats which have been materially discolored and damaged by heat.

(l) *Fine seeds.* Fine seeds shall be all matter which will pass readily through a 5/64 triangular hole sieve.

(m) *Wild oats.* Wild oats shall be the seeds of *Avena fatua* and *A. sterilis*.

(n) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(o) *Black oats.* Black oats shall be cultivated oats with black hulls.

(p) *5/64 triangular hole sieve.* A 5/64 triangular hole sieve shall be a metal sieve 0.0319 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter and which are 1/4 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(q) *0.064 x 3/8 sieve.* A 0.064 x 3/8 sieve shall be a metal sieve 0.0319 inch thick perforated with oblong holes 0.064 inch by 0.375 (3/8) inch with end and side bridges 0.0525 inch between perforations. The perforations of each row shall be staggered in relation to the adjacent row.

§ 26.252 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of oats:

(a) *Basis of determination.* All determinations shall be on the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for oats prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcements No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 26.253 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes White oats, Red oats, Gray oats, and Mixed oats.* (See also paragraph (c) of this section.)

Grade	Minimum limits of—		Maximum limits of—		
	Test weight per bushel	Sound cultivated oats	Heat-damaged kernels	Foreign material	Wild oats
1	Pounds 35	Percent 97	Percent 0.1	Percent 2.0	Percent 2.0
2	33	94	0.3	3.0	3.0
3	30	90	1.0	4.0	5.0
4	27	80	3.0	5.0	10.0

Sample grade: Sample grade shall be oats which do not meet the requirements for any of the grades No. 1 to No. 4, inclusive; or which contain more than 16.0 percent of moisture; or which contain stones; or which are musty, or sour, or heating; or which have any commercially objectionable foreign odor except of smut or garlic; or which are otherwise of distinctly low quality.

¹ The oats in grades No. 1, white oats may contain not more than 3.0 percent of oats of other colors of which not more than 2.0 percent may be black cultivated oats.

² The oats in grade No. 2 white oats may contain not more than 2.0 percent of black cultivated oats.

³ Oats that are slightly weathered shall be graded not higher than No. 3.

⁴ Oats that are badly stained or materially weathered shall be graded not higher than No. 4.

(b) *Grade designations for all classes of oats.* The grade designation for oats shall include the number of the grade or the words "Sample grade," as the case may be; the name of the applicable class; and the name of each applicable special grade.

(c) *Special grades, special grade requirements, and special grade designations for oats—(1) Bright oats—(i) Requirements.* Bright oats shall be oats, except Bleached oats, that are of good, natural color.

(ii) *Grade designation.* Bright oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not bright, and there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Bright."

(2) *Heavy oats—(i) Requirements.* Heavy oats shall be oats which have a test weight per bushel of 37 pounds or more but less than 40 pounds.

(ii) *Grade designation.* Heavy oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not heavy, and there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Heavy."

(3) *Extra heavy oats—(i) Requirements.* Extra heavy oats shall be oats which have a test weight per bushel of 40 pounds or more.

(ii) *Grade designation.* Extra heavy oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not extra heavy, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Heavy."

(4) *Tough oats—(i) Requirements.* Tough oats shall be oats which contain more than 14.0 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Tough oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not tough, and there shall be added

to and made a part of the grade designation the word "Tough."

(5) *Thin oats—(i) Requirements.* Thin oats shall be oats which contain more than 20.0 percent of oats and/or other matter, except "fine seeds," that will pass readily through a 0.064 x 3/8 sieve.

(ii) *Grade designation.* Thin oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not thin, and there shall be added to and made a part of the grade designation the word "Thin."

(6) *Weevily oats—(i) Requirements.* Weevily oats shall be oats which are infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

(7) *Smutty oats—(i) Requirement.* Smutty oats shall be oats which have the kernels covered with smut spores or which contain smut masses and/or smut balls in excess of 0.2 percent.

(ii) *Grade designation.* Smutty oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not smutty, and there shall be added to and made a part of the grade designation the word "Smutty."

(8) *Ergoty oats—(i) Requirements.* Ergoty oats shall be oats which contain ergot in excess of 0.3 percent.

(ii) *Grade designation.* Ergoty oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not ergoty, and there shall be added to and made a part of the grade designation the word "Ergoty."

(9) *Garlicky oats—(i) Requirements.* Garlicky oats shall be oats which contain 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of oats.

(ii) *Grade designation.* Garlicky oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not garlicky, and there shall be added to and made a part of the grade designation the word "Garlicky."

(10) *Bleached oats—(i) Requirements.* Bleached oats shall be oats which in whole or in part, have been treated by the use of sulphurous acid or any other bleaching agent.

(ii) *Grade designation.* Bleached oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not bleached, and there shall be added to and made a part of the grade designation the word "Bleached."

The following alternative proposals will be given consideration:

1. Test weight per bushel, § 26.253 (a) and (c) (2) and (3): Consideration will be given to an alternative proposal to fix the minimum limits of test weight per bushel at 36 pounds in grade No. 1,

34 pounds in grade No. 2, 32 pounds in grade No. 3, 29 pounds in grade No. 4, and to fix the test weight per bushel requirements for the special grade for Heavy oats at 39 pounds or more and eliminate the special grade for Extra Heavy oats.

2. Special grade, Tough Oats, § 26.253 (c) (4): Consideration will be given to an alternative proposal to fix the minimum moisture content in the special grade for Tough Oats at 13.5 percent.

The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. If revised standards for oats are promulgated, they should be made effective on or about June 1, 1959.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), informal public hearings will be held at Chicago, Illinois, and Minneapolis, Minnesota, at which interested parties may submit their views and opinions orally or in writing with respect to the desirability of promulgating the suggested changes and related matters. The times and places of such hearings will be as follows:

Chicago, Illinois, beginning at 1:30 p. m. on December 9, 1958, in Room 660 of the Board of Trade Building.

Minneapolis, Minnesota, beginning at 1:30 p. m. on December 11, 1958, in Room 100 of the Minneapolis Grain Exchange.

Written data, views, or arguments may also be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than December 22, 1958. Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received by the Director not later than December 22, 1958, and to other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, shall be promulgated.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearings. In case this designee is unable to conduct the hearings, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearings.

Done at Washington, D. C., this 14th day of November 1958.

[SEAL] S. T. WARRINGTON,
Acting Deputy Administrator,
Agricultural Marketing Service.
[F. R. Doc. 58-9587; Filed, Nov. 18, 1958;
8:54 a. m.]

[7 CFR Part 26]

FEED OATS AND MIXED FEED OATS OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has

under consideration canceling the Official Grain Standards of the United States for Feed Oats (7 CFR 26.301 et seq.) and the Official Grain Standards of the United States for Mixed Feed Oats (7 CFR 26.351 et seq.) promulgated under the United States Grain Standards Act, 39 Stat. 482, as amended (7 U. S. C. 71 et seq.).

These standards were originally promulgated to provide standards for mixtures of oats and wild oats which contained quantities of wild oats in excess of the amount allowed in the standards for oats. At that time considerable quantities of such grain were produced and marketed. In recent years very little oats and wild oats mixtures have been marketed and if the feed oats and mixed feed oats standards are canceled, mixtures of oats and wild oats which do not meet the requirements of the oats standards would be graded as mixed grain.

The Department believes that since the standards for feed oats and mixed feed oats are rarely used they should be canceled.

The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. If the standards for feed oats and mixed feed oats are canceled, they should be canceled effective on or about June 1, 1959.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), informal public hearings will be held at Chicago, Illinois, and Minneapolis, Minnesota, at which interested parties may submit their views and opinions orally or in writing with respect to the desirability of canceling these standards. The times and places of such hearings will be as follows:

Chicago, Illinois, beginning at 1:30 p. m. on December 9, 1958, in Room 660 of the Board of Trade Building.

Minneapolis, Minnesota, beginning at 1:30 p. m. on December 11, 1958, in Room 100 of the Minneapolis Grain Exchange.

Written data, views, or arguments also may be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than December 22, 1958. Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received by the Director not later than December 22, 1958, and to other information available in the United States Department of Agriculture before a decision is made as to whether these standards shall be canceled.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearings. In case this designee is unable to conduct the hearings, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearings.

Done at Washington, D. C., this 14th day of November 1958.

[SEAL] S. T. WARRINGTON,
Acting Deputy Administrator,
Agricultural Marketing Service.
[F. R. Doc. 58-9588; Filed, Nov. 18, 1958;
8:55 a. m.]

[7 CFR Parts 925, 1008]

[Docket Nos. AO-226-A5, AO-275-A4]

MILK IN INLAND EMPIRE AND PUGET SOUND, WASHINGTON, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Inland Empire and Puget Sound, Washington, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Seattle, Washington, on September 30, 1958, pursuant to notice thereof which was issued September 16, 1958 (23 F. R. 7136).

The material issues on the record of the hearing relate to:

(1) Revision of the provisions of each order relating to the computation of value of milk, as such provisions apply to Class I milk distributed from a Puget Sound regulated plant to outlets in the Inland Empire marketing area.

(2) Modification of the supply-demand adjuster to the Class I price in the Inland Empire marketing area.

(3) Revision of the Inland Empire order to remove the seasonal limitation on the disposal of skim milk for livestock feed as Class II milk.

(4) Modification of the delivery performance requirements for pool status under the Inland Empire order.

(5) The need for emergency action justifying omission of a recommended decision.

In view of the conclusions reached herein, no amendments to the Puget Sound, Washington, order are adopted on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The respective orders should not be revised to accommodate payments into the producer-settlement fund of the Inland Empire order of certain monies accruing from the distribution of fluid milk in the present Inland Empire marketing area from a plant subject to the Puget Sound order.

A grocery chain operating retail stores in both the Puget Sound and Inland Empire marketing areas has announced its intention to begin supplying milk to stores in the Inland Empire market from its fluid milk processing plant located at Bellevue, Washington, in District No. 1 of the Puget Sound marketing area. Such milk would be packaged under the brand name used by the grocery chain. Heretofore, all milk distributed through such company's stores in the Inland Empire market has been processed by other Inland Empire handlers and sold from the stores under the individual brand names of such handlers. For some time in the future, at least, the grocery chain would continue to display not less than one brand in addition to its own at the stores in the Inland Empire market. With no change in order provisions the expected result of this change in company policy is a loss of market for a portion of the Inland Empire producer milk supply and a corresponding gain in Class I sales for Puget Sound producers, who furnish the milk supply for the company's processing plant at Bellevue.

Because of these circumstances producer organizations in the Inland Empire market propose that "credits" to handlers under § 1008.70 (a) (7) be broadened to apply to milk transferred from a Puget Sound order plant on routes or to stores in the Inland Empire market. Under the proposal such credits would not apply at any time the Puget Sound market is short of a full supply to cover its own needs. The purpose of the proposal is to mitigate the impact on the returns to Inland Empire producers of the loss of sales expected.

This proposal was supported in its major aspects by the principal producer organizations in the Puget Sound market through a proposal to effect necessary correlating amendments to the Puget Sound order. As the result of the respective proposals, producers in the Inland Empire market would receive the Inland Empire order Class I price computed for the location of the bottling plant in the Puget Sound marketing area with respect to Class I milk distributed, as indicated above, from a Puget Sound bottling plant on routes or through store outlets in the present Inland Empire market, and the difference between such zone location Class I price and the Class I price under the Puget Sound order would be paid to Puget Sound producers. It was estimated by proponents that the Puget Sound producers of the milk so distributed would net approximately 60 cents per hundredweight more than the Puget Sound Class II price with respect

to such milk as compared with the \$1.65 differential over the Class II price received on other Class I milk distributed from plants in District No. 1 of the marketing area.

The immediate volume of milk to be involved in the contemplated movements from the Puget Sound market to store outlets in the Inland Empire market is estimated at 4,100 gallons or 35,260 pounds, per week. Other things equal, the immediate impact on the Inland Empire uniform price from loss of this volume would amount to 1.7 cents per hundredweight (not including the effect resulting from a necessary change in the supply-demand adjustment). Proponents do not contend that the Puget Sound plant operator has a price advantage in the distribution of milk in the Inland Empire market. In fact, they stated that the relationship of current order prices in the two markets is such that transportation costs for the distance between the markets probably would prohibit effectively the establishment of routes by Puget Sound handlers in the Inland Empire market on a competitive basis, since the location Class I price under the Inland Empire order, i. e., f. o. b. Bellevue, Washington, is less than the Puget Sound Class I price at that point.

The Inland Empire order, as in the case of other orders of this type, affords price protection to producers for the milk they deliver to handlers. The order does not guarantee, however, any producer, or group of producers, of a market outlet for milk or a particular level of Class I sales. Given price protection at a reasonable level, nearby producers must compete for market outlets with other milk fairly priced. Under its compensatory payment provisions the Inland Empire order prevents milk completely unregulated and unpriced to take price advantage of producer milk in the regulated market. The pricing of milk by the Puget Sound order similarly protects the Inland Empire producer from price disadvantage in relation to that market.

Class and weighted average uniform prices to producers under the Inland Empire order have varied from month to month since the order has been in effect (by as much as 29 cents per hundredweight from one month to the next) and will continue to do so. The delivery of 2 percent more milk by producers would have as great an impact on the uniform price as the decrease in sales anticipated from the importation of Puget Sound milk. Changes in the supply-Class I sales relationship is affected by many factors, some of which may be fully as important in determining the ultimate level of producer returns as the loss of the sales outlet complained of in this proceeding. For example, the gain or loss of an institutional contract for Class I milk by a regulated handler could have as significant an effect on the uniform price, and the gain or loss of sales involved could be equally permanent.

At the present time Class I milk sales are increasing in relation to supplies in the Inland Empire market as evidenced

by recent plus supply-demand adjustments (of 20 cents in October and 10 cents in November) to the Class I price, official notice of which is taken. A plus adjustment reflects a supply level for the month less than that determined as needed to fulfill all market requirements for Grade A milk. Thus, the severity of the problem presented is minimized by recent events.

In view of the above considerations, it is concluded that proposals Nos. 1 and 5 set forth in the notice of hearing should not be adopted.

Proponents further testified that if such proposals were not adopted, it would be necessary to move producer milk from the Inland Empire market to the Bellevue plant in the Puget Sound market for processing, such milk to be returned by the grocery company to the Inland Empire marketing area in bottled form for sale in its stores there. The grocery chain representative indicated the willingness of his company to cooperate with Inland Empire producers to this end, if necessary. Milk so moved would travel approximately 300 miles from farm to processing plant and an equal distance from processing plant to point of sale in bottled form. On the other hand, by utilizing milk produced in the Puget Sound milkshed for this purpose some farm to plant transportation expense on milk could be avoided.

Amendment of the Puget Sound order to accommodate movements of producers' milk from the Inland Empire market for processing in a Puget Sound plant, without inclusion of such milk in the Puget Sound pool, could be construed as intending to encourage such movements. Such practice, which undoubtedly would be a costly arrangement to both the Inland Empire producers and the Puget Sound handler involved, would place such producers and handler in an adverse position relative to other producers and handlers, respectively, in the Inland Empire market, and the record does not reveal how such an arrangement could be expected to solve the problem over the long term.

(2) The Inland Empire order should not be revised to provide for inclusion of Class I sales in the marketing area by nonpool plants in the computation of the supply-demand adjuster to the Class I price.

The Inland Empire order provides that when the supply-demand ratio (as computed from receipts and Class I sales of the second and third preceding months) varies from the standard utilization factor, the Class I price shall be increased or decreased, as the case may be, five cents per hundredweight for each full percentage point of such variation, with the limitation that the Class I price shall not be increased or decreased more than 50 cents per hundredweight for any month because of the supply-demand adjuster.

Producers from the Inland Empire marketing area proposed that provision be made to include Class I sales made in the marketing area from nonpool plants in computation of the supply-demand ratio, in order to reduce the impact on producer prices resulting from the loss

of Class I sales anticipated if the grocery chain, as referred to above, carries out its announced intention to procure milk from its Puget Sound pool plant. In support of their proposal Inland Empire producers stated that the greatest impact on producer returns resulting from effectuation of the announced change in procurement policy would be brought about through the operation of the supply-demand adjuster, by suddenly reducing the Class I price for all Class I milk to a level below that warranted by the loss of the store sales involved and without providing opportunity for producers to make an adjustment to the new conditions so as to maintain producer returns at a satisfactory level.

The primary purpose of the supply-demand adjuster is to equate as nearly as practicable market supply and demand of Grade A milk. To relate regular Class I sales made from another major market to producer supplies in this market in determining the Class I price would tend to create supplies for which no market for local producers exists, and thus increase their surplus disposal problem.

If the grocery chain initiates its announced procurement program, the Class I price under the Inland Empire order may be lowered somewhat as a result of the supply-demand adjuster. It is not possible at this time to appraise with any certainty the effect that the contemplated change will have on the Inland Empire situation. Neither is it possible to appraise the extent to which handlers may find additional outlets for Class I milk in the near future or the extent to which production will change in relation to demand. As previously pointed out, local production is relatively low in relation to Class I sales at this time. Even if the change in procurement policy is adopted, it would not, at the outset at least, put production seriously out of balance with the remainder of Class I sales in the market. In view of these circumstances, it is concluded that no action should be taken to revise the supply-demand formula at this time.

Should a greater change than that anticipated occur and the need arise to assist producers in making appropriate adjustment to the new condition in order that stable and orderly marketing may be maintained, measures to deal with such an occurrence could be considered at that time.

(3) The conditions under which skim milk disposed of for livestock feed may be classified as Class II milk should be revised.

At the last hearing on order amendments, producer organizations supported the year-round classification as Class II milk of skim milk dumped on the basis that price hardship could be imposed on handlers with relatively small volumes of excess milk at any given time. It is not economically feasible in this market to move small quantities of skim milk the distances required to effect disposition to a nonpool plant for manufacturing purposes.

At the present time, skim milk disposed of for livestock feed may be classified as Class II milk only if so disposed

of during April, May, June or July. Producers contend that skim milk for livestock feed should be treated on the same classification basis as skim milk dumped and so intended by their testimony at the prior hearing. The record of such hearing, however, did not disclose the application of such testimony to the matter now under consideration. Producers now clarify their case and point also to the probability that additional volumes of skim milk will be available for surplus disposal because of the contemplated loss of Class I sales to milk imported from the Puget Sound marketing area previously discussed in this decision.

It is concluded that adoption of the proposal, which would provide for the inclusion of skim milk for livestock feed in Class II milk each month of the year, will assist in the orderly marketing of reserve supplies of milk.

(4) The delivery performance standards applicable to distributing plants for pool plant status should be modified.

The order was amended on October 1, 1957, to provide certain delivery performance standards for plants to qualify for pool status. In this connection it was concluded that, to qualify as a pool plant, a distributing plant should be required to have distribution on routes in the marketing area to the extent of 20 percent or more of its monthly receipts of Grade A milk from dairy farmers and other plants. In addition, such a plant must have at least 50 percent of its Class I milk distributed on routes either inside or outside the marketing area. Official notice is taken of the supporting reasons for such provisions as set forth in the decision of the Assistant Secretary issued September 10, 1957 (22 F. R. 7326).

A producer organization now proposes that the 50 percent requirement on Class I milk disposition for a distributing plant be reduced to 40 percent of such disposition in any month. As an alternative, the proposal would reduce the percentage requirement in this manner during the months of seasonally large milk deliveries by producers. Proponent states that the 40 percent minimum requirement would be more appropriate in the future in view of seasonal production changes on the part of regular producers and the probability of shipments to the market from the Puget Sound area for Class I use, as previously discussed.

At one time when supplies were seasonally large, certain of the handlers imposed a quota system on their producers and restricted dairy farm receipts of milk. This was done in order to avoid falling below the 50 percent requirement, and thus having their plants eliminated from the pool. Undue hardship on both the producers and handler involved could result from repetition of such occurrence. On the other hand, the requirement should not be so lax as to induce unnecessary quantities of milk for the purpose of diluting the pool.

In view of past temporary restrictions placed on producer deliveries, and the adjustments which will have to be made by producers and their organizations to meet the new circumstance of packaged milk receipts from the Puget Sound area

to be sold in competition with locally-produced milk, it is concluded that the performance requirements for distributing plants should be relaxed in part. A reduction for the period February through August, inclusive, in the Class I disposition requirement to 40 percent of the distributing plant's receipts of Grade A milk from producers in lieu of 50 percent of such plant's total receipts of Grade A milk will accomplish the desired objective and yet not cause undue dilution of the pool by attracting supplies not normally associated with the market. Omission of receipts from other plants in the percentage calculation will facilitate the interplant movement of milk when necessary for its disposition in Class II uses. It is so provided.

(5) The need for emergency action does not justify omission of the recommended decision in this proceeding.

The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all the amendments deemed necessary as the result of the hearing. Action under the promulgation procedure described above was requested at the hearing and no opposition was registered to the use of such emergency procedure. However, in view of the conclusions reached with respect to the principal proposals considered at the hearing and the nonemergency nature of the other proposals, it is determined that emergency promulgation procedure should not be adopted.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of certain interested parties in the market. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Inland Empire order (No. 108), and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed market-

ing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete the proviso in § 1008.8 (a) and substitute therefor the following: "Provided, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers in any of the months of February through August, inclusive, and not less than 50 percent of such plant's receipts of milk from producers in any of the months of September through January, inclusive; or".

2. Delete from § 1008.41 (b) (2) the words "during the months of April, May, June or July."

Issued at Washington, D. C., this 13th day of November 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-9585; Filed, Nov. 18, 1958;
8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 12671; FCC 58-1081]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations to permit operation by stations in the International Fixed Public Radiocommunication Service in the frequency band 2110-2200 Mc in the State of Florida south of 25°30' north latitude; Docket No. 12671.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The American Telephone and Telegraph Company (AT&T) has filed a petition requesting the Commission to amend Part 2 of its rules and regulations so as to permit the use of frequencies in the

band 2110-2200 Mc by stations in the International Fixed Public Radiocommunication Service in the State of Florida south of 25°30' North Latitude, on a shared basis with International Control and Operational Fixed stations to which the band is now allocated. Specifically, Petitioner suggests that § 2.104 (a) (5) be amended by adding an appropriate footnote in column 7 for the band 2110-2200 Mc, the text of which would read as follows:

NG— Stations in the International Fixed Public Radiocommunication Service in Florida, south of 25°30' North Latitude may be authorized to use frequencies in the band 2110-2200 Mc.

3. AT&T, in support of its petition makes the following statements:

Petitioner, in conjunction with the Telecommunications Department of the Bahamas Government, provides facilities interconnecting the communications systems of the United States and the Bahamas. Such interconnection is now provided by means of medium and high frequency radio.

All of the circuits of the existing facilities are now in use and there is an immediate need for the expansion of facilities to meet the expected growth in demand in the 1959-1960 winter season and subsequent years. It is anticipated that this demand will exceed the capacity of present facilities by the fourth quarter of 1959.

Consideration has been given to the possibility of providing for future growth in the demand for service between the United States and the Bahamas by increasing the number of high frequency radio circuits between the two areas. However, inasmuch as additional frequencies in the range required (1.6 to 7 Mc) do not appear to be available for assignment to this service, provision for future growth utilizing high frequency radio circuits does not appear feasible. In addition, circuits obtained from present facilities using high frequencies are subject not only to atmospheric noise and fading but also to radio interference due to congestion in the frequency spectrum in this area. There is therefore a need for improvement in the quality and dependability of the service which cannot be obtained from present facilities. Therefore, Petitioner proposes, subject to the granting of this petition and the approval of appropriate applications, to provide for the growth of demand for service between the United States and the Bahamas by means of an "over-the-horizon" radio system utilizing frequencies in the ultra-high frequency range. The use of such an "over-the-horizon" system will result in the desired improvement in the quality of the service and make it possible to avoid the problem of congestion in the high frequency range.

*** The Florida terminal for such a transmission system would be located at 25°19' North Latitude, 80°24' West Longitude at our Florida City station used for transmission to Cuba.

*** Frequencies in the 2110-2200 Mc band have been selected for this project after careful consideration of all available information. Frequencies in the 3700-4200 Mc band which are the lowest allocated to common carriers are not suitable because appropriate equipment is not expected to be available for some time in the future. In addition, propagation losses in this frequency range are considerably greater than at lower frequencies. Consideration has been given to the use of frequencies now used between Florida and Cuba and it has concluded that their simultaneous use for transmission to the Bahamas is not practicable. Path loss tests made on a frequency of 1970 Mc indicate that the frequency band 2110-2200 Mc,

although above the optimum frequency, will be suitable from a transmission standpoint for "over-the-horizon" operation on this route.

4. Inasmuch as the proposal made by AT&T is not inconsistent with the Commission's own proposal in Docket No. 12404, the above-proposed amendment to Part 2 is offered for public comment. The Commission's proposal set forth in a notice of proposed rule making in Docket No. 12404, adopted April 16, 1958, but not yet made final, would allocate the band 2110-2200 Mc to (a) Common Carrier Fixed, (b) International Control, and (c) Operational Fixed.

5. The proposed amendment is issued pursuant to authority contained in section 4 (1) and sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment set forth herein should not be adopted may file with the Commission on or before December 29, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 12, 1958.

Released: November 14, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-9597; Filed, Nov. 18, 1958;
8:56 a. m.]

[47 CFR Part 15]

[Docket No. 12670; FCC 58-1078]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Subpart C of Part 15 of the Commission's rules governing radio receivers; Docket No. 12670.

1. The Commission has recently received a petition from the Electronic Industries Association requesting that the present temporary 1000 microvolt per meter at 100 feet radiation limit applicable to UHF television broadcast receivers, be continued indefinitely.

2. On June 28, 1957, in response to a petition from the Radio-Electronic Television Manufacturers Association, the Commission adopted an order which permitted a temporary increase in UHF television broadcast receiver radiation by raising the allowable limit 500 uv/m in the table in § 15.62 to 1000 microvolts per meter until December 31, 1958. This action was considered necessary since the largest segment of the industry was unable to meet the commission's requirements. It was anticipated, at that time, that the industry as a whole would find it practicable to comply with the 500 microvolt per meter limit by the end of 1958.

3. The present petition, however, states that despite several years of work and expenditures of large sums of money by several television manufacturers, no practical economical way of achieving limits better than 1000 microvolts at 100 feet has been developed. Closer manufacturing tolerances and the use of a radio frequency amplifier stage in the tuner appear to be possible solutions to the problem, but of course would involve a significant increase in the manufacturing costs.

4. In its efforts to create a favorable climate for the development of a TV broadcasting service, the Commission is seeking to encourage the development of UHF facilities and the availability of sets that will receive UHF is an important factor to be considered. Higher costs may discourage some manufacturers from making sets and thus augment this problem, but, on the other hand, set performance is also an important factor for consideration.

5. With these facts in mind the Commission is reluctant to take an action that may be construed as tacit acceptance of the inferior performance of UHF sets in general as an inherent and irremediable defect. Rather, we would urge that the manufacturers continue their efforts to equalize both performance characteristics and operating costs to greatest extent possible.

6. Users and manufacturers are cautioned that the limit under consideration in this Notice applies only to UHF oscillator radiation from UHF and UHF-VHF television broadcast receivers. The 500 uv/m limit in § 15.62 continues to apply to all harmonic radiation from VHF oscillators in VHF and VHF-UHF television broadcast receivers.

7. In view of the representations made by the EIA regarding difficulties in meeting the 500 microvolt per meter at 100 feet requirements and in the interests of avoiding a serious disruption in the manufacture of UHF sets, the effective date of § 15.62 is postponed until December 31, 1960.

8. This proposal to amend the Commission's rules is issued under the Authority of sections 4 (d), 301, and 303 (r) of the Communications Act of 1934, as amended. The actual text of the proposed amendment is set forth below.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form as set forth herein, may file with the Commission on or before December 11, 1958, written data, views or arguments setting forth his comments. Statements in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless specifically requested by the Commission or good cause for the filing of such comments is established.

10. In accordance with the provisions of § 1.764 of the Commission's rules; an original and 14 copies of all statements, briefs, or comments, filed shall be furnished the Federal Communications Commission.

Adopted: November 12, 1958.

Released: November 14, 1958.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 15—Incidental and Restricted Radiation Devices as follows:

Delete present text of paragraph (b) of § 15.68 and substitute the following new text:

(b) UHF television broadcast receivers manufactured after December 1957, shall comply with the certification requirements of this subpart: *Provided, however*, That the limit of 500 uv/m appearing in the table contained in § 15.62 is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1960.

[F. R. Doc. 58-9598; Filed, Nov. 18, 1958; 8:56 a. m.]

to the Secretary of Agriculture in determining, pursuant to the provisions of section 301 (c) (2) of said Act, fair and reasonable prices or rates for the 1959 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

Lawrence Myers, A. A. Greenwood, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 13th day of November 1958.

[SEAL]

TOM O. MURPHY,
Acting Director,
Sugar Division.

[F. R. Doc. 58-9592; Filed, Nov. 18, 1958; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE W. FLANAGAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the last six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of November 6, 1958.

GEORGE W. FLANAGAN.

NOVEMBER 6, 1958.

[F. R. Doc. 58-9571; Filed, Nov. 18, 1958; 8:52 a. m.]

JOHN N. LUDWIG, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the last six months:

- A. Deletions: None.
- B. Additions: None.

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

HAWAIIAN SUGARCANE

NOTICE OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on December 12, 1958, at 9:00 a. m.

The purpose of the hearing is to receive evidence likely to be of assistance

This statement is made as of November 12, 1958.

JOHN N. LUDWIG, Jr.,

NOVEMBER 12, 1958.

[F. R. Doc. 58-9572; Filed, Nov. 18, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12024, etc.; FCC 58M-1270]

RUSSELL G. SALTER, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Russell G. Salter, Inc., Dixon, Illinois; Docket No. 12024, File No. BP-10858; David M. Taylor tr/as Dixon Broadcasting Co., Dixon, Illinois; Docket No. 12652, File No. BP-11298; WRAC, Inc. (WRAC), Racine, Wisconsin; Docket No. 12653, File No. BP-11946; for construction permits.

It is ordered, This 7th day of November 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1959, in Washington, D. C.

Released: November 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9599; Filed, Nov. 18, 1958; 8:56 a. m.]

[Docket Nos. 12605-12606; FCC 58M-1279]

WABASH VALLEY BROADCASTING CORP. (WTHI-TV) AND LIVESAY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation (WTHI-TV), Terre Haute, Indiana; Docket No. 12605, File No. BRCT-193; for renewal of license. Livesay Broadcasting Co., Inc., Terre Haute, Indiana; Docket No. 12606, File No. BPCT-2514; for construction permit for new television broadcast station, (Channel 10).

Because of the pendency of various pleadings: *It is ordered*, This 13th day of November 1958, that the hearing now scheduled for November 17, 1958 is continued to Monday, December 22, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: November 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9600; Filed, Nov. 18, 1958; 8:56 a. m.]

[Docket No. 12649; FCC 58M-1268]

MOO MOOS TAXICAB CO.

ORDER SCHEDULING HEARING

In the matter of Frank Germano d/b as MOO MOOS Taxicab Company, 319

19th Street, Watervliet, New York; Docket No. 12649; Order to Show Cause Why There Should Not Be Revoked the License of Taxicab Radio Station KEE-207.

It is ordered, This 7th day of November 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 7, 1959, in Washington, D. C.

Released: November 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9601; Filed, Nov. 18, 1958; 8:57 a. m.]

[Docket Nos. 12650-12651; FCC 58M-1267]

OROVILLE BROADCASTERS (KMOR) AND JAMES E. WALLEY

ORDER SCHEDULING HEARING

In re applications of Oroville Broadcasters (KMOR), Oroville, California; Docket No. 12650, File No. BR-1926; for renewal of license. James E. Walley, Yuba City, California; Docket No. 12651, File No. BP-11655; for construction permit for new standard broadcast station.

It is ordered, This 7th day of November 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 7, 1959, in Washington, D. C.

Released: November 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9602; Filed, Nov. 18, 1958; 8:57 a. m.]

[Docket No. 12562; FCC 58M-1273]

INTERCONTINENTAL BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of Assignment of Call Letters KOFY to Intercontinental Broadcasting Corp. for its standard broadcast station at San Mateo, California.

By agreement of the parties: *It is ordered*, This 12th day of November 1958, that the hearing in the above-entitled proceeding presently scheduled for November 12, 1958 at 4:00 p. m., is hereby continued to December 3, 1958 at 4:00 p. m., in the offices of the Commission, Washington, D. C.

Released: November 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9603; Filed, Nov. 18, 1958; 8:57 a. m.]

[Docket Nos. 12654-12655; FCC 58M-1269]

OLD BELT BROADCASTING CORP. (WJWS) AND JOHN LAURINO

ORDER SCHEDULING HEARING

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia; Docket No. 12654, File No. BP-11412; John Laurino, Scotland Neck, North Carolina; Docket No. 12655, File No. BP-12109; for construction permits.

It is ordered, This 7th day of November 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1959, in Washington, D. C.

Released: November 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9604; Filed, Nov. 18, 1958; 8:57 a. m.]

[Docket Nos. 12656-12658; FCC 58M-1266]

KPOJ, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of KPOJ, Inc., Portland, Oregon; Docket No. 12656, File No. BPCT-2464; Fisher Broadcasting Company, Portland, Oregon; Docket No. 12657, File No. BPCT-2474; Tribune Publishing Company, Portland, Oregon; Docket No. 12658, File No. BPCT-2534; for construction permits for new Television Broadcast Stations.

It is ordered, This 7th day of November 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 7, 1959, in Washington, D. C.

Released: November 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 58-9605; Filed, Nov. 18, 1958; 8:57 a. m.]

[Docket Nos. 12656-12658; FCC 58M-1263]

KPOJ, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

In re applications of KPOJ, Inc., Portland, Oregon; Docket No. 12656, File No. BPCT-2464; Fisher Broadcasting Company, Portland, Oregon; Docket No. 12657, File No. BPCT-2474; Tribune Publishing Company, Portland, Oregon; Docket No. 12658, File No. BPCT-2534; for construction permits for new Television Broadcast Stations.

A prehearing conference will be held Thursday, December 4, 1958, at 10 a. m.,

in the offices of the Commission, Washington, D. C.

Dated: November 13, 1958.

Released: November 14, 1958.

**FEDERAL COMMUNICATIONS
COMMISSION,**

[SEAL] **MARY JANE MORRIS,**
Secretary.

[P. R. Doc. 58-9606; Filed Nov. 18, 1958;
8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 0946]

TRANS MAR DE CORTES, S. A.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Trans Mar de Cortes, S. A., for the issuance of a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in foreign air transportation as a common carrier of passengers, mail, and property in scheduled and nonscheduled flights on a route between the terminal point La Paz, Baja California, Mexico, and the terminal point Los Angeles, California, U. S. A., via intermediate points in Mexico.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on November 24, 1958, at 10:00 a. m., e. s. t., in Room 1509, Temporary Building No. 4, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., November 13, 1958.

[SEAL] **FRANCIS W. BROWN,**
Chief Examiner.

[P. R. Doc. 58-9593; Filed, Nov. 18, 1958;
8:56 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-119]

ALCO PRODUCTS, INC.

**APPLICATION FOR FACILITY OPERATING
LICENSE**

Please take notice that Alco Products, Incorporated, Schenectady, New York, under section 104c of the Atomic Energy Act of 1954, filed an application dated October 7, 1958, for a license to operate a critical experiments facility located in Schenectady, New York. The application requests authorization to perform critical experiments at power levels not to exceed 100 watts (thermal). A copy of the application is on file in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Germantown, Md., this 13th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
Licensing and Regulation.*

[P. R. Doc. 58-9576; Filed, Nov. 18, 1958;
8:52 a. m.]

[Docket No. 50-4]

NAVAL RESEARCH LABORATORY

**ISSUANCE OF AMENDED UTILIZATION
FACILITY LICENSE**

Please take notice that the Atomic Energy Commission has issued the following amended License R-5 authorizing Naval Research Laboratory to operate its research reactor facility without regard to any weekly time limitation on such operation. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the extended operations and facility modifications described in the application amendment do not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amended license upon receipt of a request therefor from the licensee or an intervenor within thirty (30) days after the issuance of the amended license. For further details see (1) the application for license amendment submitted by the Naval Research Laboratory and (2) a hazards analysis of the proposed extended operations prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 13th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
Licensing and Regulation.*

[License No. R-5, as amended]

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

a. The research reactor (hereinafter referred to as "the facility") authorized for construction by Construction Permit dated April 29, 1955 (later designated CPRR-3), issued to Naval Research Laboratory, has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act"), and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. Naval Research Laboratory is technically and financially qualified to operate the facility, and to possess and use special nuclear material;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Naval Research Laboratory:

a. Pursuant to section 104c of the act and Title 10, CFR, Chapter I, Part 50, "Licensing of production and Utilization Facilities", to possess and operate as a utilization facility the facility designated below in accordance with the procedures described in the application.

b. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 14.2 kilograms of contained uranium 235 in connection with operation of the facility.

c. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by Naval Research Laboratory and located in Washington, D. C., and described in Naval Research Laboratory's application dated April 5, 1955, and amendments thereto dated December 28, 1955, January 18, 1956, July 6, 1956 and August 21, 1958 (hereinafter referred to as "the application"). The facility is a modified swimming pool type research reactor, designed to operate at thermal power levels up to 100 Kw.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

a. The Laboratory shall not by-pass any control mechanism during the operation of the facility.

b. The Laboratory shall not operate the facility at power levels in excess of 100 kilowatts.

c. The facility shall be operated in such a manner that the positive rate of change of reactor power level will not result in a positive reactor period less than 10 seconds.

d. The reactor shall not be operated with an excess reactivity value exceeding that of the delayed neutron fraction above cold critical for any experimental loading. Reactivity losses associated with xenon, increasing reactor temperature and fuel burn-up following adjustment of the core loading must be included in this excess reactivity limitation.

e. The reactivity of all configurations of the core loadings to be utilized in operating the reactor must be determined using clean fuel elements.

f. The reactor core shall not be moved from one position to another unless the core loading is less than 2 kilograms of U-235 and all control and safety rods are fully within the core.

g. In addition to those otherwise required under this license and applicable regulations, Naval Research Laboratory shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Naval Research Laboratory as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

h. Naval Research Laboratory shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Naval Research Laboratory for use in the operation of the reactor, 14.2 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in Naval Research Laboratory's application. Estimated schedules of special nuclear material transfers to Naval Research

Laboratory and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Naval Research Laboratory in accordance with column (2) in Appendix "A" will be conditioned upon Naval Research Laboratory's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

6. This license is effective as of the date of issuance and shall expire at midnight, April 29, 1975.

Date of Issuance: November 13, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

APPENDIX "A" TO NAVAL RESEARCH LABORATORY FACILITY LICENSE NO. R-5

Estimated Schedules of Transfers of Special Nuclear Material from the Commission to Naval Research Laboratory and to the Commission from Naval Research Laboratory:

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NRL, (a), kilo- grams U-235	(3) Returns by NRL to AEC (b), kilo- grams U-235	(4) Net yearly distrib- ution, kilo- grams U-235	(5) Cumula- tive distrib- ution, kilo- grams U-235
1956	5.000		5.000	5.000
1957				5.000
1958	4.033		4.033	9.033
1959	0.035		0.035	9.068
1960	3.535	3.220	0.315	9.383
1961	3.535	3.220	0.315	9.698
1962	3.535	3.220	0.315	10.013
1963	3.535	3.220	0.315	10.328
1964	3.535	3.220	0.315	10.643
1965	3.535	3.220	0.315	10.958
1966	3.535	3.220	0.315	11.273
1967	3.535	3.220	0.315	11.588
1968	3.535	3.220	0.315	11.903
1969	3.535	3.220	0.315	12.218
1970	3.535	3.220	0.315	12.533
1971	3.535	3.220	0.315	12.848
1972	3.535	3.220	0.315	13.163
1973	3.535	3.220	0.315	13.478
1974	3.535	3.220	0.315	13.793
1975	3.535	3.220	0.315	14.108
		18.440	(18.440)	25.608
	65.628	50.960	25.608	

¹ Inventory to be returned.

² Fabrication and burnup losses.

(a) 1958-1975 yearly, includes 0.025 kilograms of U-235 as depleted uranium. Does not include any fabrication excess.

(b) U-235 for detectors and flux measurements assumed to be totally consumed.

[F. R. Doc. 58-9577; Filed, Nov. 18, 1958;
8:53 a. m.]

[Docket No. 50-106]

OREGON STATE COLLEGE

ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on October 27, 1958, the Atomic Energy Commission has issued Facility License No. R-51 authorizing Oregon State College to acquire and operate the nuclear reactor designated as Model AGN-201 Serial No. 114 at power levels not in excess of one hundred milliwatts on its campus in Corvallis, Oregon. Notice of the proposed action was published in the FEDERAL REGISTER on October 28, 1958, 23 F. R. 8326.

Dated at Germantown, Md., this 13th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-9578; Filed, Nov. 18, 1958;
8:53 a. m.]

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Federal Register Division on October 24, 1958, the Atomic Energy Commission has issued Construction Permit No. CPCX-14 authorizing Allis-Chalmers Manufacturing Company to construct a critical experiments facility on the Company's site in Greendale, Milwaukee County, Wisconsin. Notice of the proposed action was published in the FEDERAL REGISTER on October 25, 1958, 23 F. R. 8266.

Dated at Germantown, Md., this 13th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-9579; Filed, Nov. 18, 1958;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9510, etc.]

CITIES SERVICE PRODUCTION CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

NOVEMBER 13, 1958.

In the matters of Cities Service Production Company, Dockets Nos. G-9510, G-11325, G-12780, G-13388, G-14097 and G-16487; Cities Service Oil Company, Docket Nos. G-13031, G-13376, G-13715, G-13777, G-13913, G-13979, G-14034, G-14079, G-14885, G-15108, G-16123, G-16360 and G-16493; Cities Service Oil Company, (Operator), Docket No. G-14104; Cities Service Oil Company (Operator) et al., Docket Nos. G-12983, G-14723, G-14724, G-14886 and G-15210.

By order dated September 24, 1958, the proceedings instituted by Commission in Docket Nos. G-9510, G-11325, G-12780, G-13388, G-14097, G-13031, G-13376, G-13715, G-13777, G-13913, G-13979, G-14034, G-14079, G-14885, G-15108, G-16123, G-16360, G-14104, G-12983, G-14723, G-14724, G-14886 and G-15210 were consolidated and said proceedings were set for hearing on November 17, 1958, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Subsequent thereto, on October 9, 1958, in the Matter of Cities Service Production Company, Docket No.

G-16487, the Commission issued an Order for Hearing and Suspending Proposed Change in Rate stating therein that the proposed rate and charge proposed in Supplement No. 9 to Cities Services Production Company's FPC Gas Rate Schedule No. 1 "has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful" and ordered that a "hearing be held—concerning the lawfulness of the said proposed change—."

Also, on October 13, 1958, in the Matter of Cities Service Oil Company, Docket No. G-16493, the Commission issued an Order For Hearing and Suspending Proposed Change in Rate as such is reflected in Supplement No. 7 to Cities Service Oil Company's FPC Gas Rate Schedule No. 90 and directed that a hearing be held concerning the lawfulness as to that change.

The Commission finds: Good cause exists for the Commission to consolidate the proceedings in Docket Nos. G-16487 and G-16493 with the aforementioned and previously consolidated proceedings for purposes of hearing.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in Docket Nos. G-16487 and G-16493 are consolidated with the aforementioned proceedings in the above-designated Docket Nos. G-9510 et al., and the hearing scheduled to convene on November 17, 1958, shall concern the matters of and the issues presented in Docket Nos. G-16487 and G-16493 as well as those in Docket Nos. G-9510 et al.

By the Commission.

[SEAL] JOSEPH H. GUTHRIE,
Secretary.

[F. R. Doc. 58-9545; Filed, Nov. 18, 1958;
8:46 a. m.]

[Docket No. G-16593]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 12, 1958.

In the order for hearing and suspending proposed changes in rates issued on October 22, 1958, and published in the FEDERAL REGISTER on October 28, 1958 (23 F. R. 8321), "Tidewater proposes to increase the price of natural gas . . . by 4 mills, from 15.95 cents to 19.35 cents . . ." should be corrected to read "Tidewater proposes to increase the price of natural gas . . . by 4 mills, from 18.95 cents to 19.35 cents . . ."

[SEAL] JOSEPH H. GUTHRIE,
Secretary.

[F. R. Doc. 58-9546; Filed, Nov. 18, 1958;
8:46 a. m.]

[Docket No. G-16888]

TEXAS GAS PRODUCTS CORP. ET AL.
ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

NOVEMBER 12, 1958.

Texas Gas Products Corporation (Operator) et al. (Texas Gas) on October 13, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated October 13, 1958.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 10 to Texas Gas' FPC Gas Rate Schedule No. 1.

Effective date: November 13, 1958 (effective date is the first day after expiration of the required 30 days' notice).

In support of this favored nation rate increase, Texas Gas calls attention to its favored nation contract clause, to its being fairly arrived at, to triggering increases in purchases by El Paso, and to data indicating the cost and quality of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 10 to Texas Gas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Texas Gas' FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until April 13, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

¹ These increases are subject to refund in Docket No. G-14115.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9547; Filed, Nov. 18, 1958; 8:46 a. m.]

[Docket No. G-16889]

TEXAS HYDROCARBON CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

NOVEMBER 12, 1958.

Texas Hydrocarbon Company (Texas) on October 13, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 13, 1958.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 1.

Effective date: November 13, 1958 (effective date is the first day after expiration of the required 30 days' notice).

In support of this favored nation rate increase, Texas calls attention to the favored nation clause in its contract, to its being fairly arrived at, to triggering increases in purchases by El Paso Natural Gas Company, and to data indicating the cost and high quality of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 1.

(B) Pending hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until April 13, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until

the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9548; Filed, Nov. 18, 1958; 8:47 a. m.]

[Docket No. G-16892]

SIMON HEROLD ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED
CHANGE IN RATE, AND ALLOWING IN-
CREASED RATE TO BECOME EFFECTIVE

NOVEMBER 12, 1958.

Simon Herold et al. (Herold) on October 13, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Gas Pipe Line Company. Rate schedule designation: Supplement No. 2 to Herold's FPC Gas Rate Schedule No. 2.

Effective date: November 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until November 14, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Herold shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Herold's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Herold's proposed increased rate be made effective as hereinafter provided and that Herold be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Herold's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until November 14, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in Supplement No. 2 to Herold's FPC Gas Rate Schedule No. 2 shall be effective as of November 14, 1958: *Provided, however*, That within 20 days from the date of this order, Herold shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Herold shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Herold herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Herold shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; shall report (original and four copies), in writing and under oath to the Commission quarterly, or monthly if Herold so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order, to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance

thereof, Herold shall execute and file in triplicate with the Secretary of this Commission his written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Simon Herold et al. To Comply With the Terms and Conditions in Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued _____, in Docket No. G-16892, Simon Herold et al. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed, this _____ day of _____

SIMON HEROLD ET AL.

By _____

Attest:

Unless Herold is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Herold shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9549; Filed, Nov. 18, 1958;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 248-1631]

FOREST GROVE HOMEBUILDERS & INVESTORS,
INC.

NOTICE OF AND ORDER FOR HEARING

NOVEMBER 13, 1958.

I. Forest Grove Homebuilders & Investors, Inc., an Oregon corporation, filed on September 8, 1958 a notification on Form 1-A and an offering circular relating to a proposed offering of 1,000 shares of Class B preferred, 6 percent cumulative, non-voting stock, par value \$100, at \$100 per share and 3,678 shares of its Class B common voting stock, par value \$100, at \$100 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3 (b) and Regulation A thereunder.

II. The Commission on October 7, 1958 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a

hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in Room 231, U. S. Court House, Portland, Oregon, at 10:00 a. m., December 2, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The failure to disclose the effect of the segregation of assets, liabilities, and earnings referred to on page 2 on the interests of prospective shareholders.

b. The failure to disclose the identity and book value of such segregated assets and the method of determining the manner in which the assets are apportioned among the several classes of stock.

c. The failure to disclose the manner in which operating expenses are to be allocated among the assets applicable to each class of stock.

d. The failure to disclose the circumstances under which the Class A common stock will be converted into Class B common stock, and the terms and price of such conversion.

e. The statement on page 2 that "stockholders have received a minimum of 20 percent yield to date on their original investments."

f. The failure to disclose adequately the use of proceeds.

g. The failure to disclose adequately the nature of the issuer's proposed business and its competitive position.

h. The failure to describe direct and indirect interests by security holdings and otherwise of directors and officers in the issuer and in material transactions with the issuer.

i. The financial statements in that they are not prepared in accordance with generally accepted accounting principles and practices, particularly, with respect to:

(1) The profit and loss and surplus statements which have been filed in account form rather than report form.

(2) The failure to disclose segregation of the assets by classes of stock in the balance sheet.

(3) The inclusion of real estate and furniture and fixtures as a "Quick Asset" in the balance sheet while the narrative of the offering circular contains information pointing out that a substantial part of this real estate is being held to produce income.

2. The terms and conditions of Regulation A have not been complied with in that the aggregate amount of securities to be offered according to the capitalization table on page 2 of the offering circular discloses an aggregate offering of \$467,800 which amount exceeds the \$300,000 ceiling set forth in Rule 254 of Regulation A.

B. Whether the order dated October 7, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. It is further ordered, That James Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Forest Grove Homebuilders & Investors, Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before November 26, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-9556; Filed, Nov. 18, 1958;
8:42 a. m.]

[File No. 70-3739]

SOUTHERN CO., ET AL.

NOTICE OF FILING REGARDING AGREEMENT
PROVIDING FOR ALLOCATION OF CONSOLIDATED
FEDERAL INCOME TAX LIABILITY

NOVEMBER 12, 1958.

In the matter of The Southern Company, Alabama Power Company, Alabama Property Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Electric Generating Company, Southern Service, Inc.; File No. 70-3739.

Notice is hereby given that The Southern Company, a registered holding company, and its subsidiary companies, Alabama Power Company, Alabama Property Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Electric Generating Company, and Southern Services, Inc., have filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated section 12 (b) of the act and Rule 45 (a) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the

transactions therein proposed, which are summarized as follows:

Declarants, who as a group join in the filing of consolidated Federal income tax returns, state that in the year 1957 one member of the group, Georgia Power Company, realized an unusually large capital gain of almost \$5,000,000, the inclusion of which in the consolidated tax return gives rise to certain alleged inequities in the allocation of the 1957 consolidated tax liability among the members of the group pursuant to the exemptive provisions of Rule 45 (b) (6) under the Act. Accordingly, declarants propose to enter into an agreement for the allocation of the group's 1957 consolidated Federal income tax liability which would differ from the exemptive provisions of Rule 45 (b) (6) in that such agreement will provide for the allocation of said consolidated tax liability as follows: (a) By apportioning the liability for the tax (25 percent) on consolidated net long-term capital gains in accordance with the proportion of the consolidated net long-term capital gain attributable to each member of the group having a net long-term capital gain; and (b) by apportioning the liability for the normal tax and surtax (52 percent) on ordinary income in accordance with the proportion of the consolidated ordinary taxable income attributable to each member of the group having ordinary taxable income. In no event, however, is the aggregate tax liability allocated to each subsidiary company to exceed the amount of tax liability of such company based upon a separate return and computed as if such company had always filed its tax returns on a separate return basis.

The declaration states that no State regulatory authority and no Federal regulatory authority, other than this Commission, has jurisdiction in respect of the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at not to exceed \$2,750, consisting of service company charges of \$750, accountants fees of \$1,000, and counsel fees of \$1,000.

Notice is further given that any interested person may, not later than November 28, 1958, request the Commission in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule 23 promulgated under the act, or the Commission may grant exemption from its rules, as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-9557; Filed, Nov. 18, 1958;
8:49 a. m.]

TARIFF COMMISSION

SPECIFIED PRODUCTS; MISCELLANEOUS AND NONENUMERATED PRODUCTS

HEARINGS ON PROPOSED REVISED AND CONSOLIDATED TARIFF SCHEDULES

Under Section 101 (b), Title I, Customs Simplification Act of 1954, As Amended, and section 332 of the Tariff Act of 1930.

The United States Tariff Commission hereby gives notice that parts of Schedule 7 of the proposed revised and consolidated tariff schedules are being released today and that public hearings thereon will begin at 10 a. m., e. s. t., on Thursday, the 11th day of December 1958, in the hearing room of the Tariff Commission, Eighth and E Streets NW., Washington 25, D. C. The parts being released today are:

- Part 2, Subpart D—Photographic Equipment and Supplies.
- Part 2, Subpart E—Motion Pictures; Tape Recordings; Phonograph Records, and Other Recordings; Recording Media; Scrap and Waste Photographic Film.
- Part 3—Musical Instruments, Parts, and Accessories.
- Part 4—Furniture; Pillows, Cushions, and Mattresses; Nontextile Floor Coverings.
- Part 5—Arms and Ammunition; Fishing Tackle; Wheel Goods, Sporting Goods, Games and Toys.
- Part 6—Jewelry and Related Articles; Cameos, Natural, Cultured, and Imitation Pearls; Imitation Gemstones; Beads and Articles of Beads.
- Part 7—Buttons, Buckles, Pins, and Other Fastening Devices; Artificial and Preserved Flowers and Foliage; Millinery Ornaments; Trimmings; and Feather Products.
- Part 8—Combs; Hair Ornaments; Brooms and Brushes; Paint Rollers; Umbrellas and Canes.
- Part 9—Matches and Pyrotechnics; Candles; Blasting Caps; Smokers' Articles.
- Part 10—Pens, Pencils, Leads, Crayons, and Chalks.
- Part 12—Rubber and Plastic Products.
- Part 13—Products Not Elsewhere Enumerated.
- Part 14—Nonenumerated Products.

On April 18, 1958, the Commission released Part 1 of Schedule 7 entitled "Footwear; Headware and Hat Braids; Gloves; Luggage, Handbags, Billfolds, and Other Flat Goods; Miscellaneous Articles of Leather or of Fur" and hearings thereon were held beginning June 3, 1958. The provisions for Miscellaneous Articles of Leather or of Fur have been transferred from Part 1 to Part 13B of Schedule 7. On July 15, 1958, the Commission released Schedule 7, Part 5, entitled "Works of Art; Antiques and Models", and hearings thereon were held beginning September 16, 1958. "Works of Art and Antiques" have been transferred from Part 5 to Part 11 of Schedule 7. Part 13B and Part 11 are not included in the above parts on which hearings will be held beginning December 11, 1958. However, the provision for "dog equipment" previously in Part 1E is now included in Part 13A of Schedule 7 (item 790.15), and the provision for "models" is included in Part 5E of Schedule 7 (item 737.05).

Requests to appear at the hearings beginning on December 11, 1958 must be filed in writing with the Secretary of the Commission not later than December 1, 1958. Parties who have properly en-

tered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after December 1, 1958. Any person who fails to receive such notification by December 8, 1958 should immediately communicate with the office of the Secretary of the Commission.

In its public notice issued January 17, 1958, regarding hearings on Schedule 1 (Animal and Vegetable Products) of the proposed revised and consolidated tariff schedules (23 F. R. 449 et seq.; Weekly Treasury Decisions, Vol. 93, No. 4, January 23, 1958) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of January 17 applies to the hearings on the parts of Schedule 7 being released today to the extent that they are applicable.

As each of the schedules is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D. C., and New York, N. Y.; at all field offices of the Department of Commerce, and at the offices of collectors of customs and appraisers of merchandise at all headquarters ports of entry in the United States.

Issued: November 13, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-9558; Filed, Nov. 18, 1958
8:49 a. m.]

[Investigation 72]

HAND-MADE GLASSWARE

INSTITUTION OF INVESTIGATION

The United States Tariff Commission, on the 12th day of November 1958, instituted an investigation under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, to determine whether table, kitchen, and household articles and utensils provided for in paragraph 218 (f) of the Tariff Act of 1930 (except Christmas-tree ornaments), produced from molten glass gathered by hand, are, as a result in whole or in part of the customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

An application for an investigation with respect to so-called handblown glassware (glassware blown from molten glass gathered by hand) was filed with the Commission on November 6, 1958, by the American Glassware Association. The Commission, however, on its own motion, broadened the scope of the investigation to include pressed as well as blown glassware produced from molten glass gathered by hand.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and at the New York City office of the Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: November 14, 1958.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-9573; Filed, Nov. 18, 1958;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 243]

MOTOR CARRIER APPLICATIONS

NOVEMBER 14, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1459 (Sub No. 2), filed October 2, 1958. Applicant: OLIVER S. LOWE, doing business as ROYAL MOTOR EXPRESS, 410 West Silver Street, Lebanon, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Merchandise dealt in or used by gasoline filling stations, gasoline bulk stations, petroleum products distributors or pipeline companies, and merchandise manufactured, processed or used in oil refineries or petro-chemical plants, in shipper-owned trailers or semi-trailers, between points in Ohio, Indiana, Illinois, Kentucky, Wisconsin, St. Louis County, Mo., and St. Louis, Mo. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, Missouri, and Kentucky.

Note: Applicant requests that any duplicating authority be eliminated.

HEARING: January 22, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 10207 (Sub No. 7), filed October 16, 1958. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor

vehicle, over an alternate route, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hagerstown, Ind., and Richmond, Ind., from Hagerstown over Indiana Highway 38 to Richmond, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Richmond and Muncie, Ind., and between New Castle and Richmond, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: January 14, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 10761 (Sub No. 77), filed October 30, 1958. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Madison, Ind., as an off-route point in connection with applicant's authorized regular route operations (a) between Cincinnati, Ohio, and Louisville, Ky., and (b) between Indianapolis, Ind., and Louisville, Ky. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Michigan, Pennsylvania, Missouri, Kentucky, Wisconsin, New York, Connecticut, Iowa, Nebraska, Massachusetts, Kansas, and Oklahoma.

HEARING: January 14, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 14421 (Sub No. 17), filed October 27, 1958. Applicant: CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, a Corporation, 51 Main Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as alternate routes for operating convenience only, serving no intermediate points as follows: Route No. 1: between Boscobel, Wis., and Mount Hope, Wis., from Boscobel over Wisconsin Highway 132 to Mount Hope, and return over the same route, in connection with applicant's authorized regular route between these points from Boscobel over U. S. Highway 61 to Fennimore, Wis., thence over U. S. Highway 18 to Mount

Hope; Route No. 2: between Muscoda, Wis., and Highland, Wis., from Muscoda over Wisconsin Highway 137 to junction Wisconsin Highway 80, thence over Wisconsin Highway 80 to Highland, and return over the same route in connection with applicant's authorized route between these points from Muscoda over Grant County Highway C to Boscobel, thence over U. S. Highway 61 to Fennimore, thence over U. S. Highway 18 to Cobb, Wis., and thence over Wisconsin Highway 80 to Highland; Route No. 3: between Highland, Wis., and Montfort, Wis., from Highland over Iowa County Highway I to Montfort, and return over the same route, in connection with applicant's authorized route between these points from Highland over Wisconsin Highway 80 to Cobb, thence over U. S. Highway 18 to Montfort; Route No. 4: between Dodgeville, Wis., and Hollandale, Wis., from Dodgeville over Wisconsin Highway 191 to Hollandale, and return over the same route, in connection with applicant's authorized route between these points from Dodgeville over U. S. Highway 151 to Mineral Point, Wis., thence over Wisconsin Highway 39 to Hollandale; Route No. 5: between Freeport, Ill., and Argyle, Wis., from Freeport over Illinois Highway 26 to the Wisconsin-Illinois State line, thence over Wisconsin Highway 69 to Monroe, Wis., thence over Wisconsin Highway 81 to Argyle, and return over the same route, in connection with applicant's authorized route between these points from Freeport over U. S. Highway 20 to East Dubuque, Ill., thence over Illinois Highway 35 to the Wisconsin-Illinois State line, thence over Wisconsin Highway 35 to junction Grant County Highway H, thence over said highway to Cuba City, Wis., thence over Wisconsin Highway 80 to junction Wisconsin Highway 81, and thence over Wisconsin Highway 81 to Argyle; Route No. 6: between Stockton, Ill., and Darlington, Wis., from Stockton over Illinois Highway 78 to the Wisconsin-Illinois State line, thence over Wisconsin Highway 78 to Gratiot, Wis., thence over Wisconsin Highway 11 to junction Wisconsin Highway 23, and thence over Wisconsin Highway 23 to Darlington, and return over the same route, in connection with applicant's authorized route between these points from Stockton over U. S. Highway 20 to East Dubuque, Ill., thence over Illinois Highway 35 to the Wisconsin-Illinois State line, thence over Wisconsin Highway 35 to junction Grant County Highway H, thence over said highway to Cuba City, thence over Wisconsin Highway 80 to junction Wisconsin Highway 81, and thence over Wisconsin Highway 81 to Darlington; Route No. 7: between Cuba City, Wis., and junction U. S. Highway 20 and Illinois Highway 80, approximately three (3) miles west of Galena, Ill., from Cuba City over Wisconsin Highway 80 to junction U. S. Highway 20 and return over the same route, the junction of U. S. Highway 20 and Illinois Highway 80 to be served as a point of joinder only, in connection with applicant's authorized route between these points from Cuba City over Grant County Highway H to junction Wisconsin Highway 35,

thence over Wisconsin Highway 35 to the Wisconsin-Illinois State line, thence over Illinois Highway 35 to East Dubuque, Ill., and thence over U. S. Highway 20 to junction Illinois Highway 80. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, and Minnesota.

HEARING: January 20, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 14552 (Sub No. 15), filed September 22, 1958. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a Corporation, 1028 West Rayen Avenue, Youngstown, Ohio. Applicant's attorney: Herbert Baker, 30 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are sold by retail and chain dairy business houses and stores; and supplies, equipment and advertising material; and related items used in the conduct of such businesses, from Youngstown, Ohio, to Butler, Cochranton, Franklin, Linesville, Meadville, Oil City, Polk, and Titusville, Pa. Returned, damaged and defected shipments of the above-specified commodities, and empty containers used in transporting the above-specified commodities, from the above-specified destination points to Youngstown, Ohio. Applicant is authorized to conduct regular route operations in Ohio and Pennsylvania, and irregular route operations in New York, Ohio, Pennsylvania, and West Virginia.

HEARING: January 21, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 19201 (Sub No. 105), filed October 8, 1958. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, including commodities of unusual value, commodities in bulk, and those requiring special equipment, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail services of The Pennsylvania Railroad Company, (1) between Philadelphia Road, Ohio, and junction Ohio Highway 151 and U. S. Highway 22, from Philadelphia Road over Ohio Highway 151 to junction of U. S. Highway 22, and return over the same route, serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, and serving said junction for purposes of joinder only; (2) between Cadiz, Ohio, and junction Ohio Highways 9 and 151, west of Jewett, Ohio, from Cadiz over Ohio Highway 9 to junction Ohio Highway 151, and return over the same route, serving no intermediate points and serving said junction for purposes of joinder only; (3) between Scio, Ohio, and junction Ohio Highway 646 and U. S. Highway 250, from Scio over Ohio Highway 646 to junction of

U. S. Highway 250, and return over the same route, serving no intermediate points, and serving said junction for purposes of joinder only. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

HEARING: January 5, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 21571 (Sub No. 22), filed September 22, 1958. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over alternate routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Springfield, Ill., and Mount Pulaski, Ill., over U. S. Highway 54, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between St. Louis, Mo., and Kankakee, Ill., and between Clinton, Ill., and Elkhart, Ill. (2) Between Gilman, Ill., and Champaign, Ill., over U. S. Highway 45, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Litchfield, Ill., and Bloomington, Ill., and between St. Louis, Mo., and Kankakee, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Ohio, and Wisconsin.

NOTE: Applicant indicates it has a myriad of regular routes throughout Illinois which by means of tacking allow it to serve the proposed alternate routes. Applicant is authorized to conduct contract carrier operations in Permit No. MC 115738. Dual operations under section 210 may be involved.

HEARING: January 22, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 31659 (Sub No. 5), filed September 12, 1958. Applicant: O. H. NICHOLAS TRANSFER & STORAGE CO., INC., Butler, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, including commodities in bulk and those requiring special equipment, but excluding commodities of unusual value, Class A and B explosives and household goods as defined by the Commission, between the barge terminal of Freeport Terminals, Inc. on the Allegheny River, in Armstrong County, Pa., near Freeport, Pa., on the one hand, and, on the other, points in Pennsylvania within 125 miles of Butler, Pa., and points in Ohio on and east of U. S. Highway 21 and on and north of U. S. Highway 40. Applicant is authorized to conduct operations in Pennsylvania,

Ohio, Virginia, West Virginia, and New York.

NOTE: Applicant requests that the above traffic be restricted to that having a prior or subsequent movement by water or railroad.

HEARING: January 5, 1959, at the Fulton Bldg., 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 44947 (Sub No. 15), filed October 10, 1958. Applicant: DEIOMA TRUCKING CO., P. O. Box 891, Mount Union Station, Alliance, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: *Clay products*, from Port Homer, Jefferson County, Ohio, and points within 5 miles thereof in New Jersey, Virginia, Delaware and the District of Columbia, and *pallets, skids and empty containers* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, New York, Pennsylvania, West Virginia, Michigan, Maryland, New Jersey, Delaware, Virginia, Indiana, New Hampshire, Vermont, Maine, Massachusetts, Connecticut, Rhode Island, and the District of Columbia.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 44947 (Sub No. 14).

HEARING: January 23, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 55811 (Sub No. 44), filed October 9, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete mix, dry, in bags, paving or paving joint compounds, in bags, and paper bags*, from Cincinnati, Ohio, to Lafayette, Ind., and *pallets, and rejected or damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, Missouri, Pennsylvania, Ohio, Illinois, Iowa, Wisconsin, and West Virginia.

HEARING: January 12, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 61592 (Sub No. 4), filed September 22, 1958. Applicant: K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal or wooden patterns*, new or used, between Bettendorf, Iowa, and Aurora, Ill. Applicant is authorized to conduct operations in Iowa, Illinois, Missouri, Nebraska, Wisconsin, Indiana, Minnesota, South Dakota, and North Dakota.

HEARING: January 22, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 54.

No. MC 64808 (Sub No. 1), filed October 2, 1958. Applicant: HARRY D. THOMPSON, doing business as W. S. THOMAS TRANSFER, 404 Auburn Street, Fairmont, W. Va. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass bottles, glassware, and cardboard cartons*, from Star City, W. Va., to points in Kentucky, Virginia, Indiana, New York, New Jersey, Illinois, District of Columbia, and those in Pennsylvania east of U. S. Highway 219. Applicant is authorized to conduct operations in West Virginia, Pennsylvania, New York, Ohio, Michigan, Indiana, Illinois, Virginia, Kentucky, Maryland, New Jersey, and the District of Columbia.

HEARING: January 9, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 74721 (Sub No. 64), filed September 11, 1958. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW, Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Mansfield, Ohio, and Loudonville, Ohio: from Mansfield over Ohio Highway 39 to Loudonville, and return over the same route; (2) between Wapakoneta, Ohio, and Marysville, Ohio: from Wapakoneta over U. S. Highway 33 to Marysville and return over the same route; (3) between Marysville, Ohio, and Sunbury, Ohio: from Marysville over U. S. Highway 36 to Sunbury, and return over the same route; (4) between Sunbury, Ohio, and Mount Gilead, Ohio: from Sunbury over Ohio Highway 61 to Mount Gilead, and return over the same route; (5) between Columbus, Ohio, and Delaware, Ohio: from Columbus over U. S. Highway 23, to Delaware, and return over the same route; and (6) between Dublin, Ohio and junction Ohio Highways 3 and 161 at a point approximately 3 miles south of Westerville, Ohio: from Dublin over Ohio Highway 161 to its junction with Ohio Highway 3 at a point approximately 3 miles south of Westerville, and return over the same route, serving no intermediate or off-route points on the above-specified routes, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Ohio, Minnesota, Pennsylvania, Wisconsin, Iowa, Illinois, Indiana, New York, New Jersey, Maryland, Missouri, and the District of Columbia.

HEARING: January 5, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 86931 (Sub No. 11), filed September 10, 1958. Applicant: WARD E. LANNING, INC., RFD 5, P. O. Box 418, Coshocton, Ohio. Applicant's attorney: John A. Childers, 150 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings*, from Coshocton, Ohio to points in New York and scrap iron, pig iron and returned shipments of cast iron pipe and fittings on return. Applicant is authorized to conduct operations in Ohio, Illinois, Pennsylvania, Michigan, Indiana, and West Virginia.

HEARING: January 15, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 86931 (Sub No. 12), filed September 22, 1958. Applicant: WARD E. LANNING, INC., RFD No. 5, Coshocton, Ohio. Applicant's attorney: John A. Childers, 150 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between the plant site of Universal Cyclops Steel Corporation located in Franklin Township, Coshocton County, Ohio, on the one hand, and, on the other, points in New Jersey, Pennsylvania, New York, Kentucky, Indiana, Illinois, Wisconsin, and Michigan. Applicant is authorized to conduct operations in Ohio, Illinois, Michigan, Indiana, Pennsylvania, and West Virginia.

HEARING: January 20, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 86931 (Sub No. 13), filed September 22, 1958. Applicant: WARD E. LANNING, INC., RFD No. 5, Coshocton, Ohio. Applicant's attorney: John A. Childers, 150 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron fire hydrants, iron body valves and accessories*, from the site of the Eddy Valve Co. plant, Waterford, N. Y., to the site of the plant of James B. Clow & Sons, Inc., at Coshocton, Ohio. Applicant is authorized to conduct operations in Ohio, Illinois, Michigan, Indiana, Pennsylvania, and West Virginia.

HEARING: January 15, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 87857 (Sub No. 38), filed October 27, 1958. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan, Same address as applicant. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Currency, coin, and securities*, between Chicago, Ill., and Beloit, Janesville, Evansville, Stoughton, Edgerton, Madison, Baraboo, Portage, Columbus, Beaver Dam, Wausau, Denmark, Fox Lake, Fond du Lac, Oshkosh, Neenah, Menasha, Appleton, Kaukauna, Green Bay, Manitowoc, and Sheboygan, Wis. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Colorado, Connecticut,

cut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 20, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 98599 (Sub No. 5), (CORRECTION) filed March 28, 1958, published issue October 22, 1958, at page 8143. Applicant: ZUNI TRUCKING COMPANY, a Corporation, Airport Road, P. O. Box 746 Grants, N. Mex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and dry sulphur*, in bulk, from railheads in and near Grants, N. Mex., to points in Valencia and McKinley Counties, N. Mex. (The purpose of this correction is to remove the restriction, in hopper vehicles, contained in the previous publication.)

HEARING: Remains as assigned December 18, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 101093 (Sub No. 11), filed September 15, 1958. Applicant: HAROLD BAKER, Stone Creek, Ohio. Applicant's attorneys: Sanborn, Nacey and Brandon, 808 Hartman Building, Columbus 15, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: *Brick, clay tile, clay pipe, and clay building materials*, from points in Stark and Tuscarawas Counties, Ohio to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; and *damaged, defective, rejected, or returned shipments of the above-described commodities*, from points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine to points in Stark and Tuscarawas Counties, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted in No. MC 101093 (Sub No. 9) to determine whether applicant's status is that of a contract or common carrier.

HEARING: January 16, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 101093 (Sub No. 12), filed September 8, 1958. Applicant: HAROLD BAKER, Stone Creek, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: *Brick, clay tile, clay pipe and clay building materials*, from points in Stark and Tuscarawas Counties, Ohio, to points in Illinois, except Chicago, and those in Wisconsin, and *damaged, defective, rejected or re-*

turned shipments of the above commodities on return. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Michigan, New York, West Virginia, and Pennsylvania.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101093 (Sub No. 9).

HEARING: January 16, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 101126 (Sub No. 112), filed September 8, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tall oil, refined, in bulk, in insulated, stainless steel tank vehicles*, from Nitro, W. Va., to points in Ohio, Indiana, Kentucky, Illinois, Michigan, Wisconsin, Missouri, New York, New Jersey, Maryland, Pennsylvania, and Delaware. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under Section 212 (c) in No. MC 101126 Sub No. 86, to determine whether applicant's status is that of a contract or common carrier.

HEARING: January 26, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Richard H. Roberts.

No. MC 101126 (Sub No. 113), filed September 11, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a contract or common carrier, by motor vehicle, over irregular routes, transporting: *Detergent alkylate, in bulk, in tank vehicles*, from Cincinnati, Ohio, to points in New Jersey. Applicant is authorized to conduct operations in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted in No. MC 101126 (Sub No. 86) to determine whether applicant's status is that of a contract or common carrier.

HEARING: January 26, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Richard H. Roberts.

No. MC 101126 (Sub No. 114), filed October 9, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, in insulated stainless steel tank vehicles*, from points in Mercer County, Ohio, to points in Michigan, Illinois, Indiana, Missouri, North Carolina, Georgia,

Kentucky, New Jersey, New York, Rhode Island, Pennsylvania, Tennessee, Virginia, Wisconsin, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

HEARING: January 27, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Richard H. Roberts.

No. MC 102138 (Sub No. 29), filed October 2, 1958. Applicant: REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt, in bulk, in tank vehicles*, from Lawrenceville, Ill., to points in Ohio on and south of U. S. Highways 30 and 30-N and on and west of U. S. Highway 23. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 102138 (Sub No. 28). Applicant has pending common carrier application in Docket No. MC 116805.

HEARING: January 12, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 105134 (Sub No. 3), filed September 30, 1958. Applicant: AUSTIN L. YEAGER, doing business as YEAGER'S TRUCKING, R. D. 1, Clearfield, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay, clay products and bonding mortar*, from Clearfield, Curwensville, West Decatur, Du Bois, Falls Creek, Osceola Mills, and Lumber City, Pa., to points in that portion of New York on and west of New York Highway 12, and to points in that portion of Ohio on and east of U. S. Highway 23; and *pallets and empty containers, and refused, rejected and damaged shipments of the above-specified commodities in return*. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: January 7, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 107403 (Sub No. 271), filed October 28, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets,

Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Mahoning, Marion, Medina, Richland, Stark, Vinton, Wayne, and Wyandot Counties, Ohio, to points in Michigan. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 6, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 109637 (Sub No. 97), filed November 3, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from West Henderson, Ky., and points within 10 miles thereof to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Michigan, Ohio, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Iowa, Virginia, South Carolina, Tennessee, West Virginia, Alabama, Georgia, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Texas, and Wisconsin.

HEARING: December 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 109682 (Sub No. 24), filed September 12, 1958. Applicant: BOLIN DRIVE-A-WAY CO., a Corporation, 26400 Lakeland Boulevard, Cleveland, Ohio. Applicant's attorney: Turner C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, assembled or not assembled, and *such parts, accessories, equipment, paraphernalia and advertising matter* as are shipped therewith, by truckaway and driveaway methods, between points in Stark County, Ohio, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 19, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 110478 (Sub No. 12), filed October 29, 1958. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio. Applicant's attorney: Sanborn, Teichmoeller and Brandon, 808 Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) *Clay products and fire clay*, from points in Tuscarawas and Jefferson Counties, Ohio, and Springfield Township, Summit County, Ohio, Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio, to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi; and (2) *Empty containers, pallets, cardboard, and lumber* used in the manufacture, packing or shipping of clay products and fire clay, from points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi to the above-specified origin points. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 110478 (Sub No. 6) to determine whether applicant's status is that of a common or contract carrier. Applicant states that if such application to convert is not granted applicant requests an extension of its authority as a contract carrier, but if such application to convert is granted applicant requests an extension of its common carrier authority.

HEARING: January 12, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 112497 (Sub No. 116) (CORRECTION), filed August 18, 1958, published issue of October 8, 1958, at page 7790. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. The subject application sought authority to transport *acids and chemicals*, in bulk, from Iberville and West Baton Rouge Parish, La., to points in Alabama, Georgia and South Carolina. The notice of publication on page 7790 of the FEDERAL REGISTER issue of October 8, 1958, inadvertently contained a comma between Rouge and Parish. The purpose of this notice is to strike the comma referred to so that the origin points correctly reads: Iberville and West Baton Rouge Parish, La.

HEARING: Remains as assigned November 24, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 112750 (Sub No. 32), filed October 25, 1958. Applicant: ARMORED CARRIER CORPORATION, Debevoise Building, 222-17 Northern Boulevard, Bayside, Long Island, N. Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin, bullion, and negotiable securities) as are used in the businesses of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Chicago, Ill., on the one hand, and, on the other, points in

Marion County, Ind., and all points in Indiana located on and south of U. S. Highway 40 within the counties of Vigo, Clay, Putnam, Owen, Monroe, Morgan, Hendricks, Brown, Bartholomew, Johnson, Shelby, Rush, Fayette, Hancock, Henry, Union, Franklin, Wayne, and Decatur. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: January 19, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 112750 (Sub No. 33), filed October 27, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 Northern Boulevard, Bayside, Long Island, N. Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place NW., Washington, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin, bullion, and negotiable securities, as are used in the businesses of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, (1) between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harrison, Jefferson, Jessamine, Kenton, Lincoln, Madison, Macon, Montgomery, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott, and Woodford Counties, Ky.; (2) between Cincinnati, Ohio, on the one hand, and, on the other, points in Jackson, Marion, Hancock, Delaware, Henry, Jay, Randolph, and Wayne Counties, Ind., and those in Indiana on and south of U. S. Highway 40 and on and east of U. S. Highway 31; (3) between Louisville, Ky., on the one hand, and, on the other, points in Indiana on and south of U. S. Highway 40 and those in Marion County, Ind. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: January 7, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 112846 (Sub No. 20), filed October 17, 1958. Applicant: CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in insulated tank vehicles, from Petrolia, Pa., and points within three (3) miles thereof, to Manistee, Mich. Applicant is authorized to conduct operations in Pennsylvania, Ohio, New York, West Virginia, New Jersey, Michigan, Delaware, and Indiana.

HEARING: January 9, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 114533 (Sub No. 4), filed October 20, 1958. Applicant: **BANKER'S DISPATCH CORPORATION**, 4652 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints; complimentary replacement film, and incidental dealer handling supplies*, between Chicago, Ill., on the one hand, and on the other, points in Illinois. Applicant indicates the transportation to be performed would be limited to shipments having a prior or subsequent movement by air or railway express. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

HEARING: January 16, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 115297 (Sub No. 4), filed October 3, 1958. Applicant: **RAY MOLDER CARRIER CORPORATION**, 3801 23d Street SW., Canton, Ohio. Applicant's attorney: Richard H. Brandon, Society for Savings Building, Cleveland 14, Ohio. Authority sought to operate as a contract or common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Michigan and Ohio.

NOTE: A proceeding has been instituted under Section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 115297 (Sub No. 1).

HEARING: January 6, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 116077 (Sub No. 54), filed November 7, 1958. Applicant: **ROBERTSON TANK LINES, INC.**, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Brown Building, Austin, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, not limited to the descriptions as defined in the Maxwell Company, Extension—Addyston, 63 M. C. C. 677, and *Petroleum and petroleum products*, in specialized equipment, from Lake Charles, La., and points within 10 miles thereof, to points in Texas on and west of a line beginning at the Texas-Oklahoma boundary on Texas Highway 103 running south to Nocona, thence south on Texas Highway 175 to Montague, thence south on Texas Highway 59 through Bowie to the junction of Texas Highways 59 and 24, thence south on Texas Highway 24 to Jacksboro, thence south on Texas Highway 206 to Graford, thence west on Texas Highway 254 to the junction of Texas Highways

254 and 16, thence south on Texas Highway 16 to Brad, thence west on U. S. Highway 180 to Caddo, thence south on Texas Highway 717, to Ranger, thence west on U. S. Highway 80 to Eastland, thence south on Texas Highway 1027 through Okra to the junction of Texas Highways 587 and 1027, thence west on Texas Highway 587 to Rising Star, thence south on U. S. Highway 183 to Brownwood, thence south on U. S. Highway 377 through Brady to Mason, thence south on U. S. Highway 87 to the junction of U. S. Highway 87 and Texas Highway 783, thence south on Texas Highway 783 through Hilda, Doss, Harper, to Kerrville, thence south on Texas Highway 689 to Bandera, thence west on Texas Highway 470 to Tarpley, thence south on Texas Highway 173 through Hondo, Devine, to the junction of Texas Highways 173 and 1333, thence south on Texas Highway 1333 to Charlotte, thence south on Texas Highway 97 to Fowlerton, thence east on Texas Highway 63 to Tilden, thence south on Texas Highway 173 to Freer, thence east on Texas Highway 44 through San Diego to Alice, thence south on U. S. Highway 281 to the junction of U. S. Highway 281 and Texas Highway 141, thence east on Texas Highway 141 to Kingsville, thence south on U. S. Highway 77 to Raymondville, thence east on Texas Highway 186 to Port Mansfield, and points in Texas south of Texas Highway 186. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Oklahoma, New Mexico, New Jersey, Connecticut, Missouri, Tennessee, Wisconsin, South Carolina, North Carolina, Nebraska, Iowa, Kansas, Arizona, California, North Dakota, South Dakota, Michigan, Alabama, Georgia, Florida, Virginia, District of Columbia, Rhode Island, New York, New Hampshire, Vermont, and Maine.

HEARING: December 8, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 116159 (Sub No. 2), filed October 27, 1958. Applicant: **ERNEST HINES, INC.**, 2600 East 52d Street, Indianapolis, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, not including cement, in bulk, in dump trucks, or other similar type self-unloading equipment, including, but not limited to, *triple super phosphate, phosphate rock, sulphur, ammonium sulphate, soda ash, and coal*, limited to commodities having had a prior movement by water carrier, from River Terminals, located at Madison and Aurora, Ind., to points in that part of Indiana on and south of U. S. Highway 30, points in that part of Ohio bounded on the north by U. S. Highway 30N and on the east by U. S. Highway 23, including points on the highways specified, and to points in that part of Kentucky on and north of U. S. Highway 60 from the Ohio River near Ashland, Ky., to junction U. S. Highway

62, near Versailles, Ky., thence along U. S. Highway 62 to Paducah, Ky., and the Ohio River, including points on the highways specified. Applicant is authorized to conduct operations in Indiana, Kentucky, and Ohio.

HEARING: January 13, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 116829 (Sub No. 4), filed October 6, 1958. Applicant: **FORAN'S TRANSPORT LIMITED**, 449 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between Ports of entry on the boundary between the United States and Canada at or near Detroit and Port Huron, Mich., on the one hand, and, on the other, Dundee, Mich., and points within five (5) miles thereof.

HEARING: January 27, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 117079 (Sub No. 1), filed September 22, 1958. Applicant: **G. M. S. TRUCKING, INC.**, 531 Frank Nelson Building, Birmingham, Ala. Applicant's attorney: Vernon L. Stouffer, Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicle and cargo bodies*, with or without hoists, and parts for such cargo bodies and hoists, from Gallon and Marion, Ohio to points in the United States, including the District of Columbia, and *damaged, defective, rejected, and returned shipments* of the above commodities, and *damaged, defective, rejected, used and returned parts therefor* on return.

HEARING: January 19, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 117381 (Sub No. 1), filed October 1, 1958. Applicant: **CELLI TRUCKING COMPANY**, a corporation, 3527 Lake Street, Melrose Park, Ill. Applicant's attorney: Irving Stillerman, 19 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank vehicles, from Buffington, Ind., to Algonquin, Bloomington, Lockport, Mundelein, and Palatine, Ill., and to points in Cook, Lake, Du Page, McHenry, Kane, and Will Counties, Ill.

HEARING: January 15, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 117625, filed August 18, 1958. Applicant: **GEORGE R. STORM**, doing business as **STORM TRUCKING COMPANY**, 9231 South Bishop Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Buffington,

Ind., to points in Cook, Du Page, Kendall, Will, DeKalb, Lake, McHenry, Boone, Winnebago, Ogle, Kankakee, Grundy, and La Salle County, Ill.

HEARING: January 15, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 117646, filed September 22, 1958. Applicant: BENNY JONES, doing business as K. C. TRAILER TOWING SERVICE, 2233 South Broadway, Dayton, Ohio. Applicant's attorney: Thos. Maxson, 30 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers*, in driveway and truckaway service, between points in Montgomery County, Ohio, on the one hand, and, on the other, points in Kentucky, Tennessee, South Carolina, North Carolina, Alabama, Georgia, and Florida. Applicant indicates the proposed service to be restricted against transportation of mobile homes and trailers by towing; from manufacture to distributor or manufacturers agent.

HEARING: January 21, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 117647, filed September 22, 1958. Applicant: JAMES R. NOLES AND MILDRED NOLES, doing business as NOLES TRUCKING, 2332 Washington Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Creosoted ties, pilings, poles, and structural timbers*, from Terre Haute, Ind., and points within five miles thereof, to points in Indiana and Illinois.

HEARING: January 8, 1959, at 1:00 o'clock p. m., United States standard time (or 1:00 p. m. daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 117652, filed September 24, 1958. Applicant: JOHN W. DYKES, Colfax, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Forest Park, Ill., to points in Montgomery and Clinton Counties, Ind.; *Drain tile*, from Saint Anne, Ill., to points in Montgomery and Clinton Counties, Ind.; *Fertilizer*, from Chicago, Ill., and points in the Commercial Zone thereof, as defined by the Commission, to points in Montgomery and Clinton Counties, Ind.; *Special gravel for water softeners*, from Chillicothe, Ohio, to points in Montgomery and Clinton Counties, Ind.; *Tanks for water softeners*, from Chicago and Naperville, Ill., to points in Montgomery and Clinton Counties, Ind.; and *Water softeners*, from Crawfordsville, Ind., to Salem, Ohio.

HEARING: January 9, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is ob-

served), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 117666, filed September 29, 1958. Applicant: LEWIS E. GEMMILL, JR., R. 2, Hillsdale, Mich. Applicant's attorney: Harvey W. Moes, Lawyers Building, 10 Budlong Street, Hillsdale, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags and in bulk, (1) from sites of plants of Davison Chemical Company at Columbus, Alliance, and Findlay, Ohio, to points in Michigan, (2) from the site of the plant of Davison Chemical Company at Lansing, Mich., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-designated destination points to the above-specified origin points.

NOTE: The applicant indicates Davison Chemical Company is a Division of W. R. Grace & Co.

HEARING: January 23, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 117679, filed September 30, 1958. Applicant: BROWN AND WILLIAMS CONSTRUCTION COMPANY, a corporation, doing business as WILLIAMS TRUCKING DIVISION, Box 246, Lisbon, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Reinforcing bars, expansion and contraction joints, and related iron or steel articles*, used in connection with such commodities, (a) from Franklin, Pa., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Connecticut, Massachusetts, New Jersey, and New York; and (b) from Chicago Heights, Ill., to points in Indiana, Michigan, and Ohio; and (2) *Defective reinforcing bars, expansion and contraction joints, and related iron or steel articles*, from the above-specified destination points to the above-specified origin points.

NOTE: Applicant states it is under continuing contract with Jones & McKnight, Inc., of Chicago, Ill.

HEARING: January 8, 1959, at the Fulton Building 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 117689, filed October 3, 1958. Applicant: IVADENE CLAYCOMB, 932 Fourth Avenue, Duncansville, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Milwaukee, Wis., to Farrell, Beaver Falls, New Brighton, McKees Rocks, McKeesport, Springdale, Brentwood, Greensburg, Indiana, Punxsutawney, State College, Johnstown, Altoona, and Brandy Camp, Pa., and *empty beer and malt beverage containers* on return.

HEARING: January 7, 1959, at the Fulton Building, 101-115 Sixth Street,

Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 117697, filed October 6, 1958. Applicant: MIKE KUNGLE, JR., doing business as MIKE'S EXPRESS, 2664 Spade Road, Uniontown, Ohio. Applicant's attorney: Daniel H. Armstrong, 16 East Broad Street, Columbus, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Rubber battery boxes, and battery box covers, vents, parts and other items* not otherwise specified by name, related thereto, from Akron, Ohio, to Allentown, Hamburg, and Reading, Pa., and *ground coal or anthracite*, not suitable for fuel purposes, from Sunbury, Pa., to Akron, Ohio.

HEARING: January 23, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 117768, filed October 27, 1958. Applicant: JAMES D. SHAKE AND J. BRINTON THOMAS, a partnership, doing business as CENTRAL COAL AND SUPPLY CO., Box 118, Madison, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, not including cement, and including, but not limited to, triple super phosphate, phosphate rock, sulphur, ammonium sulphate, soda ash and coal, in bulk, in dump trucks or other similar type self-unloading equipment, from River Terminals located at Madison and Aurora, Ind., to (1) points in Indiana on and south of U. S. Highway 30; (2) points in Ohio bounded on the north by U. S. Highway 30N and on the east by U. S. Highway 23, including points on the highways indicated; and (3) points in Kentucky north of U. S. Highway 60 from the Ohio River near Ashland, Ky., to junction with U. S. Highway 62 near Versailles, thence over U. S. Highway 62 to Paducah and the Ohio River, including points on the highways indicated, and rejected or refused shipments of the above-described commodities, on return.

NOTE: Applicant states the proposed operations shall be limited to commodities having had a prior movement by water carrier.

HEARING: January 13, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 117782, filed November 3, 1958. Applicant: ROBERT P. DAWSON AND JOHN T. SPRINGER, doing business as DAWSON & SPRINGER TRUCKING COMPANY, Route 2, Two Rivers, Wis. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in packages, from the site of the Medusa Portland Cement Co. plant at Dixon, Ill., to points in Iowa on and east of a line formed by the westerly boundaries of Howard, Chickasaw, Bremer, Black Hawk, Tama, Marshall,

Jasper, Marion, Monroe, and Appanoose Counties, Iowa, including points in said counties; and points in Wisconsin on and south of a line formed by the northerly boundaries of Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Calumet, and Manitowish Counties, Wis., including points in said counties, and empty cement bags and rejected shipments of cement on return.

HEARING: January 21, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 111.

MOTOR CARRIERS OF PASSENGERS

No. MC 41257 (Sub No. 6), filed October 6, 1958. Applicant: NORTH STAR LINE, INC., 341 Ellsworth Avenue, S.W., Grand Rapids, Mich. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers. (1) between the junction of U. S. Highway 131 and Michigan Highway M-113 (north of Manton, Mich.), and St. Ignace, Mich., from the junction of U. S. Highway 131 and Michigan Highway M-113 over U. S. Highway 131 to the junction of Michigan Highway M-66, thence over Michigan Highway M-66 to East Jordan, thence over county roads to Boyne City, thence over Michigan Highway M-75 to the junction of U. S. Highway 131, thence over U. S. Highway 131 to Petoskey, thence over U. S. Highway 31 to Mackinaw City, thence over the Mackinac Bridge and U. S. Highway 2 to St. Ignace, and return over the same route, serving the intermediate or off-route points of Fife Lake, South Boardman, Kalkaska, Antrim, Mancelona, Chestonia, East Jordan, Advance, Boyne City, Walloon Lake, Petoskey, Conway, Alanson, Brutus, Pellston, Levering, Carp Lake, and Mackinaw City; (2) between Baldwin, Mich., and Mesick, Mich., over Michigan Highway M-37, serving the intermediate or off-route points of Wolf Lake, Junction M-55 and Yuma; (3) between Grand Rapids, Mich., and the junction of Michigan Highway M-37 and Fruit Ridge Road (near Casnovia, Mich.) over Michigan Highway M-37, serving the intermediate or off-route points of Sparta and Kent City; (4) between Cadillac, Mich., and the junction of Michigan Highways M-115 and M-37, (near Mesick, Mich.) over Michigan Highway M-115, serving no intermediate points. Applicant is authorized to conduct operations in Michigan.

HEARING: January 26, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 68562 (Sub No. 1459), filed November 3, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving

in express service, between Louisville, Ky., and Harlan, Ky., from Louisville over U. S. Highway 150 to the junction of U. S. Highway 25, thence over U. S. Highway 25 to Corbin, thence over U. S. Highway 25E to Pineville, thence over U. S. Highway 119 to Harlan, thence return over the same route to Stanford, thence over U. S. Highway 27 to Lancaster, thence over Kentucky Highway 52 to Danville, thence over U. S. Highway 150 to Springfield, thence over Kentucky Highway 55 to Campbellsville, thence over U. S. Highway 68 to Greensburg, thence return over the same route to Lebanon, thence over Kentucky Highway 52 to the junction of Kentucky Highway 61, thence over Kentucky Highway 61 to Louisville, and return over the same routes, serving the intermediate points of Springfield, Lancaster, Stanford, Crab Orchard, Mt. Vernon, London, Corbin, Barbourville, Pineville, Blackmont, Lebanon, Campbellsville, Greensburg, Loretto, Gethsemane, Lebanon Junction, Shepherdsville, Danville, Buechel, Jeffersonton, and Bardstown, Ky. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1460), filed November 3, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Danville, Va., and Lawrenceville, Va., from Danville over U. S. Highway 58 to the junction of U. S. Highway 501, at or near South Boston, thence over U. S. Highway 501 to the junction of Virginia Highway 96, thence over Virginia Highway 96 to the junction of Virginia Highway 49, at or near Virgilina, thence over Virginia Highway 49 to the junction of U. S. Highway 58, thence over U. S. Highway 58 to Lawrenceville, Va., returning over U. S. Highway 58 to Danville, serving the intermediate points of South Boston, Virgilina, Clarksville, Boydton, South Hill, Brodnax, and Lawrenceville, Va. Applicant is authorized to conduct operations throughout the United States.

No. MC 102616 (Sub No. 661), filed November 4, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from East Freedom, Pa., and points within 10 miles thereof to points in Hardy and Pendleton Counties, W. Va. Applicant is authorized to conduct operations in Maryland, District of Columbia, Delaware, Pennsylvania, New Jersey, Virginia, Ohio, New York, Illinois, Tennessee, Wisconsin, Connecticut, and Kentucky.

No. MC 103880 (Sub No. 192), filed November 3, 1958. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South

La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ethylene dibromide*, in bulk, in tank vehicles, from Manistee, Mich., to Wichita and Kansas City, Kans., and Painesville, Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 108461 (Sub No. 72), filed November 5, 1958. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from the site of the Arizona Silica Sand Company at or near Houck, Ariz., to points within San Juan County, N. Mex., Montezuma County, Colo., and San Juan County, Utah. Applicant is authorized to conduct operations in Arizona, California, Colorado, New Mexico, Texas, and Utah.

No. MC 109637 (Sub No. 96), filed November 3, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fluorine*, in bulk, in specially designed shipper-owned semi-trailers, from Metropolis, Ill., and points within 5 miles thereof to points in California, New York, and Ohio, and empty shipper-owned semi-trailers on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Iowa, Virginia, South Carolina, Tennessee, West Virginia, Alabama, Georgia, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Texas, and Wisconsin.

No. MC 112020 (Sub No. 56), filed November 4, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Texas corporation, 1030 Stayton Street, Fort Worth, Texas. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Texas. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the sites of the Buckeye-Cellulose Corporation Mills at Memphis, Tenn., to the plant site of Procter and Gamble at Dallas, Tex. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Colorado, Mississippi, Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, New York, South Dakota, Pennsylvania, New Mexico, and Arizona.

NOTE: Applicant states that the above requested authority will be restricted against tacking to any other authority held by applicant.

APPLICATION UNDER SECTION 212 (c) CONVERSION PROCEEDING

No. MC 114821 (Sub No. 1). Applicant: WILLIAM J. VAN DYKE, Archer,

[Notice 60]

MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICE

NOVEMBER 14, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (e) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 2) GREAT SOUTHERN TRUCKING COMPANY, P. O. Box 2408, Jacksonville, Fla., filed November 5, 1958. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Asheville, N. C., and Shelby, N. C., as follows: from Asheville over U. S. Highway 70 to Marion, N. C., thence over North Carolina Highway 26 to Shelby and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Asheville, N. C., and Charlotte, N. C., over U. S. Highway 74.

No. MC 2990 (Deviation No. 1), BLUE ARROW TRANSPORT LINES, INC., 525 Burton Street SW., Grand Rapids 3, Mich., filed November 6, 1958. Attorney for said carrier, Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a common carrier by motor vehicle, of general commodities, with certain exceptions, over a deviation route, between junction U. S. Highways 23 and 10, and Flint, Mich., as follows: from junction U. S. Highways 23 and 10 over U. S. Highway 10 to Flint and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U. S. Highways 23 and 10, and Flint, Mich., over U. S. Highway 23.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.[F. R. Doc. 58-9565; Filed, Nov. 18, 1958;
8:50 a. m.]

Iowa. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. It has now been determined that the carrier's operations are in conformance with definition of a contract carrier set forth in section 203 (a) (15) of the Interstate Commerce Act, amended August 22, 1957. On October 13, 1958, the carrier requested dismissal of the application, and an order was entered October 31, 1958, effective December 15, 1958, vacating and setting aside the proceeding.

APPLICATIONS UNDER SECTIONS 5 AND
210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7036. Authority sought for control by FRANCIS L. WIRTZ, P. O. Box 806, East Chicago, Ind., of TAKIN BROS. FREIGHT LINE, INC., 100 East 10th Street, Waterloo, Iowa. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Chicago, Ill., and Omaha, Nebr., between Iowa City, Iowa, and Cedar Rapids, Iowa, between Marengo, Iowa, and Belle Plaine, Iowa, between Marshalltown, Iowa, and Des Moines, Iowa, between Avoca, Iowa, and Des Moines, Iowa, and between Chicago, Ill., and Mason City, Iowa, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *packing-house products and fresh meat*, between Omaha, Nebr., and Arcadia, Iowa, serving certain intermediate and off-route points; *packing-house products and dairy products*, in truckload lots, over regular and irregular routes, from Iowa points to Chicago, Ill., serving the intermediate points of Manchester and Dubuque, Iowa, restricted to pick-up only; *butter, eggs, dressed poultry, and agricultural commodities*, from Avoca, Iowa, and Harlan, Iowa, to Chicago, Ill., serving no intermediate points. FRANCIS L. WIRTZ holds no authority from this Commission; however, he is affiliated with CONTRACT STEEL CARRIERS, INC., Gary, Ind., which is authorized to operate as a contract carrier in Missouri, Illinois, Oklahoma, Arkansas, Iowa, Kansas, Texas, Louisiana, Nebraska, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 7037. Authority sought for purchase by CENTRAL WISCONSIN

MOTOR TRANSPORT COMPANY, 610 High Street, Wisconsin Rapids, Wis., of the operating rights of CARLSTEDT MOTOR SERVICE, INC., 336 Webster Street, Batavia, Ill., and for acquisition by ARTHUR CLARK and HAROLD CLARK, both of Wisconsin Rapids, of control of such rights through the purchase. Applicants' attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Batavia, Ill., and Chicago, Ill., between St. Charles, Ill., and Aurora, Ill., and between St. Charles, Ill., and Chicago, Ill., serving certain intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in that part of Illinois within 50 miles of Batavia, Ill. RESTRICTION: No service shall be performed under the irregular-route authority between points between which applicant is authorized by its certificate No. MC 110799 to perform regular-route service, and the authority herein granted shall not be tacked or combined with any authority held by carrier for the purpose of performing any through service. Vendee is authorized to operate as a common carrier in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC-F 7038. Authority sought for purchase by GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P. O. Box 986, Kalamazoo, Mich., of the operating rights of RUSSELL GOLAY, doing business as R. & G. TRUCKING CO., 3247 Blair Avenue, St. Louis 7, Mo., and for acquisition by THOMAS B. WOODWORTH and FREDERICK J. BUCKHOUT, both of Kalamazoo, of control of such rights through the purchase. Applicants' attorney: Alexrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and certain points in Illinois, and between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, certain points in Illinois. Vendee is authorized to operate as a common carrier in Michigan, Kentucky, Missouri, Iowa, Indiana, Illinois, Ohio, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.[F. R. Doc. 58-9566; Filed, Nov. 18, 1958;
8:50 a. m.]

[Ex Parte No. 137]

CONTRACTS FOR PROTECTIVE SERVICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of October A. D. 1958.

There being under consideration the matter of numerous contracts between various rail carriers and Fruit Growers Express Company, American Refrigerator Transit Company, Burlington Refrigerator Express Company, and Western Fruit Express Company for the furnishing of mechanical refrigeration and other protective service filed under the provisions of section 1 (14) (b) of the Interstate Commerce Act:

It appearing, that upon consideration of the said contracts and the charges set forth therein for the use of mechanical refrigeration units there is reason to institute a proceeding to determine whether the charges are just, reasonable and consistent with the public interest; and good cause appearing:

It is ordered, That a proceeding be, and it is hereby, instituted for the purpose of determining whether the charges for the use of mechanical refrigeration units for the protection of property are just, reasonable and consistent with the public interest as provided in section 1 (14) (b) of the Interstate Commerce Act.

It is further ordered, That all common carriers by rail parties to the contracts be, and they are hereby, made respondents to this proceeding.

It is further ordered, That notice of this proceeding be given to the respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Federal Register Division.

And it is further ordered, That this proceeding be set for hearing at such time and place as the Commission may hereafter direct.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9563; Filed, Nov. 18, 1958;
8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35087: *Substituted service, rail for motor, Chicago, Rock Island, and Pacific R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 132), for interested rail and motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., on the one hand, and St. Louis, Mo., on the other.

No. 236—6

Grounds for relief: Motor truck competition.

Tariff: Supplement 87 to Middlewest Motor Freight Bureau tariff MF I. C. C. 223.

FSA No. 35088: *Substituted service, rail for motor, Chicago, Rock Island and Pacific R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 133), for interested rail and motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., on the one hand, and Council Bluffs, Iowa, Kansas City (Armourdale), Kans., or St. Joseph, Mo., on the other; and between Denver, Colo., on the one hand, and Council Bluffs, Iowa, or Kansas City (Armourdale), Kans., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 87 to Middlewest Motor Freight Bureau tariff MF I. C. C. 223.

FSA No. 35089: *Substituted service, rail for motor, Chicago, Rock Island and Pacific R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 134), for interested rail and motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., on the one hand, and St. Paul (Inver Grove), Minn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 87 to Middlewest Motor Freight Bureau tariff MF I. C. C. 223.

FSA No. 35090: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 1-58). Rates on commodities moving on express rates from, to, and between points in the United States.

Grounds for relief: Short-line distance formula and grouping.

AGGREGATE OF INTERMEDIATES

FSA No. 35091: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 2-58). Rates on commodities moving on express rates from, to, and between points in the United States.

Grounds for relief: Maintenance of single-factor through rates which exceed the aggregate of the intermediate rates.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9515; Filed, Nov. 17, 1958;
8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 14, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35092: *Coarse grains between Texas points.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 336), for interested rail carriers. Rates on coarse grains and articles taking the same rates, carloads between points in Texas.

Grounds for relief: Intrastate rail competition and grouping.

Tariff: Texas-Louisiana Freight Bureau tariff I. C. C. 899.

FSA No. 35093: *Cement from Kansas and Missouri to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7414), for interested rail carriers. Rates on cement and articles taking the same rates, carloads from Bonner Springs, Kans., Kansas City, Mo.-Kans., and Sugar Creek, Mo., to points in Florida, Georgia, North Carolina, and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 34 to Southwestern Lines tariff I. C. C. 4185.

FSA No. 35094: *Various commodities between Texas points.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 337), for interested rail carriers. Rates on various commodities, carloads, as described in the application between points in Texas.

Grounds for relief: Intrastate rail competition and grouping.

Tariff: Supplement 72 to Texas-Louisiana Freight Bureau tariff I. C. C. 865.

FSA No. 35096: *Iron and steel articles in Western Trunk Line territory.* Filed by Western Trunk Line Committee, Agent (No. A-2029), for interested rail carriers. Rates on iron and steel articles, also kindred articles, carloads between points on applicant carriers' lines in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 16 to Western Trunk Line Committee tariff I. C. C. A-4240.

FSA No. 35097: *Cheese foods from Missouri points to eastern points.* Filed by Southwestern Freight Bureau, Agent (No. A-7415), for interested rail carriers. Rates on cheese, including cheese food and cheese spreads, carloads from Carthage, Neosho, and Springfield, Mo., to Brooklyn and New York, N. Y., Hillside and Kearney, N. J.

Grounds for relief: Motor truck competition.

Tariff: Supplement 145 to Southwestern Lines tariff I. C. C. 4187.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35095: *Various commodities between Texas points.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 338), for interested rail carriers. Rates on various commodities, carloads, as described in the application between points in Texas.

Grounds for relief: Intrastate rail competition, grouping, and maintenance of single-factor through rates which exceed the aggregate of the intermediate rates.

Tariff: Supplement 72 to Texas-Louisiana Freight Bureau tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9564; Filed, Nov. 18, 1958;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JUNICHI FUJINAKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after ade-

quate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Junichi Fujinaka, 3-6 Higashi, Nagai-cho, Sumiyoshi-Ku, Osaka City, Japan; Claim No. 57284; \$1,563.57 in the Treasury of the United States. Vesting Order No. 8145.

Executed at Washington, D. C., on November 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-9574; Filed, Nov. 18, 1958;
8:52 a. m.]

WILLIAM MASAKAZU HATTORI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

William Masakazu Hattori, 58 Shirahata Nishi-cho, Kanagawa-ku, Yokohama, Japan; Claim No. 63246; \$6,252.25 in the Treasury of the United States. Vesting Orders Nos. 12163 and 18250.

Executed at Washington, D. C., on November 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-9575; Filed, Nov. 18, 1958;
8:52 a. m.]







